JUSTICE D.P WADHWA COMMISSION OF INQUIRY

REPORT

21ST JUNE

1999

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CONTENTS

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PRELIMINARY

On the night of January 22nd/23rd, 1999 a macabre murder took place in a remote village Manoharpur, in District Keonjhar in the State of Orissa. Graham Stewart Staines, an Australian missionary and his two small children were all burnt to death while they were sleeping in a station wagon. The barbarity of the crime shook the whole nation. Every Indian had to hang his head in shame. The President of India Mr. K.R. Narayanan described the killing as "belonging to world's inventory of black deeds" He said "That someone who spent years caring for patients of leprosy, instead of being thanked and appreciated as a role model should be done to death in this manner is a monumental aberration from the traditions of tolerance and humanity for which India is known" The President spoke for every Indian. There was all round condemnation in India and abroad of this gruesome crime.

Considering the gravity of the matter, Central Government in the Ministry of Home Affairs issued a notification on 29th January, 1999 under Section 3 of the Commissions of Inquiry Act, 1952 appointing this Commission to make inquiry with respect to the following matters:

(a) the facts and circumstances relating to the killing of Mr Graham Stewart Staines, an Australian national and his two sons on 22nd/23rd January, 1999 in village Manoharpur, District Keonjhar, State Orissa;

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the Central Government vide its Notification No.SO 45 (E) dated 29th January, 1999 has appointed a Commission of Inquiry comprising of Hon'ble Mr Justice D.P Wadhwa, a sitting Judge of the Supreme Court of India to make inquiry into the following matters

a) The facts and circumstances relating to the killing of Mr. Graham Stewart Staines, an Australian national and his two sons on 22nd/23rd January 1999 in village Manoharpur, District Keonjhar, State Orissa;

b) the role, if any, played by any authority, organisation or individual in/or connection with the aforesaid killings; and

c) any other matter connected with or incidental thereto as the Commission may consider appropriate

Notice is hereby given that all individuals, group of persons, Associations, Institution and organisations, having knowledge, directly or indirectly, of facts and circumstances relating to matters referred to the Commission, and having interest in the proceeding before the Commission or who wish to assist the Commission in making its suggestions, may submit their statement of facts/allegations supported by affidavit duly verified by the deponent and sworn before a Metropolitan Magistrate or Judicial Magistrate, first class or a Commissioner of Oath or any other person authorised to administer oath along with one spare copy thereof, before the Commission on any working day (except Sundays and holidays) between 9.30 a.m. to 5.30 p.m. either in person or through Registered Post at the office of the Commission at either of the places noted below within 15 days of the publication of this notice.

The affidavit shall be verified in the following manner:-

"Verified that the statements made in paragraphs _____ of the above affidavit are true to my personal

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knowledge and those in paragraphs ______ from information received and believed to be true by me"

The Magistrate or Commissioner of Oath or Authority legally empowered to confer oath before whom the affidavit is sworn, shall make endorsements thereon in the following manner

"Sworn before me by the deponent who is identified to my satisfaction by ___________ or is personally known to me. The affidavit has been read out in full to the deponent who has signed it after admitting it to be correct, on this the ______ day of ______, 1999."

(Signatures & Seal of the Magistrate.)

The affidavit must state of occupation and the ordinary place of residence/abode of the deponent. If considered necessary the deponent may file along with his affidavit a list of witnesses.

If the affidavit is in a language other than in English, it shall be accompanied by a translation thereof in English duly authenticated by an advocate or a Magistrate.

In the event of any person wanting to share any information (in confidence) with the Commission which is relevant or material to the terms of the Inquiry he may contact the Secretary of the Commission or any other Officer duly authorised in this behalf.

CAUTION

Be it noted that the proceedings before the Commission are judicial proceedings under sub-section (5) of Section 5 of the Commissions of Inquiry Act, 1952. Any person found to have made false or misleading statement or allegation before the Commission shall be liable to punishment under Section 193 of the Indian Penal Code with imprisonment for a term which may extend to seven years and shall also be liable to fine.

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NOTE

Copies of the Commissions of Inquiry Act, 1952, the Commissions of Inquiry (Central Rules), 1972 and the Justice Wadhwa Commission of Inquiry (Regulation of Procedure Order), 1999 can be obtained from the office of the Commission.

All affidavits submitted in the manner stated above and within the time prescribed may be addressed to

1. MR. D.G.R. PATNAIK
Secretary,
Justice Wadhwa Commission of Inquiry,
Room No.322, 2nd Floor
Vigyan Bhawan Annexe,
Maulana Azad Road,
New Delhi – 110 011.

2. OFFICER ON SPECIAL DUTY
Justice Wadhwa Commission of Inquiry
A/19, IRC Rental Colony,
Nayapalli,
Bhubaneshwar – 751015'

Pursuant to the Public Notice so issued, 83 affidavits were received.

The first regular proceeding of the Commission was held on 26th March, 1999. Further time was granted till 6th April, 1999 if any individual or association wanted to file an affidavit. It was specifically ordered that after that no further affidavit would be entertained. Notices were again ordered to be published in the newspapers both in English and Oriya languages. It was also directed that handbills shall be circulated in the village Manoharpur and the adjoining villages informing the public about the proceedings of the Commission, its terms of reference and about the public hearing to be conducted by the Commission. Notices had also earlier been issued to the State of Orissa and the Central Government and their officers to file affidavits.

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In all 152 affidavits were received and scrutinized. Investigating Team of the Commission was constituted. The Investigating Team was authorised to exercise powers under Section 5A(2) of the Act and all other powers that may be available under the Act or any other law.

Proceedings were thereafter held both at Bhubaneshwar and at New Delhi and statements of witnesses recorded. 52 witnesses were examined. Documents were brought on record, which included reports of various agencies, the case diaries of the local police, Crime Branch and the CBI, which were investigating the case. The Commission also visited the scene of crime at Manoharpur.

Production warrants for the appearance of Chenchu Hansda @ Sudarsan Hansda, who was stated to be one of the accused and had been arrested by the C.B.I. in connection with this very case, were issued. He appeared before the Commission but declined to make any statement.

A notice under Section 8B of Commissions of Inquiry Act, 1952 was issued to Rabindra Kumar Pal @ Dara Singh (In these proceedings he will be referred to by the name Dara Singh). He, however, failed to respond.

While the Commission was still holding its proceedings, it was brought to its notice that Mr. Prakash Mishra, DIG (Crimes) and Mr. A.K. Ray, S.P., Keonjhar had been transferred. The Commission, therefore, called upon the State Government to explain the circumstances of the

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transfer of these officers. Along with these two officers various other police officers had also been transferred. In this connection the statement of the Home Secretary, State of Orissa and a further statement of the Director General of Police, were also recorded.

The Investigating Team submitted its report. Counsel for the Central Government, the State of Orissa and the Commission made their submissions.

This heinous crime took place on the night of 22nd/23rd January, 1999 opposite to a church in Kacha Sahi of village Manoharpur in District Keonjhar in the State of Orissa. Manoharpur village is bordering Mayurbhanj District. It is under Anandpur Police Station. The nearest Police Station, however, is at Thakurmunda in Mayurbhanj District. There are six maps including site plans giving the location of the scene of occurrence at village Manoharpur and maps of the districts of Keonjhar and Mayurbhanj.

Before I discuss the various issues involved in the proceedings and arrive at my findings, I would like to record a <u>note of caution</u>.

The Commission, in fact, has been asked to do the job of the police. Persons accused of conspiracy to commit the heinous crime are yet to be tried in a court of law as per the procedure prescribed. The accused did not appear before the Commission and did not cross-examine

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the witnesses. The Commission has taken into consideration evidence, all of which is not legal evidence in a criminal trial. Since the strict rules of procedure and evidence under the Code of Criminal Procedure, 1973 (Cr.P.C.) and the Evidence Act, 1872 were not applicable to the proceedings of the Commission, it took into account testimonies of witnesses untested by cross-examination, affidavits, case diaries and even press reports. Thus the findings arrived at by the Commission and the record examined by it for the purpose would not be relevant in a criminal trial and cannot be used as such. Otherwise great prejudice would be caused to the accused in their trial.

Section 6 of the Commissions of Inquiry Act, 1952 does provide that no statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in any civil or criminal proceedings except a prosecution for giving false evidence by such statement. This provision only protects the witness.

Attention is also invited to Section 172 of the Cr.P.C., which reads as under:

> "172. **Diary of Proceeding in investigation.**— (1) Every police officer making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

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(2) Any criminal court may send for the police diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial.

(3) Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but if they are used by the police officer who made them to refresh his memory, or if the court uses them for the purposes of contradicting such police officer, the provisions of Sec. 161 or Sec. 145, as the case may be, of the Indian Evidence Act, 1872 (1 of 1872) shall apply."

Proceedings before a criminal court have, therefore, to be independent of the proceedings before the Commission.

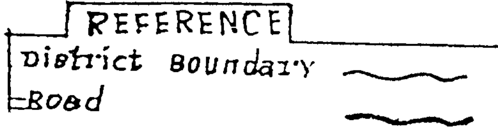
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MAP OF Di. KEONJHAR & MAYURBHANJ

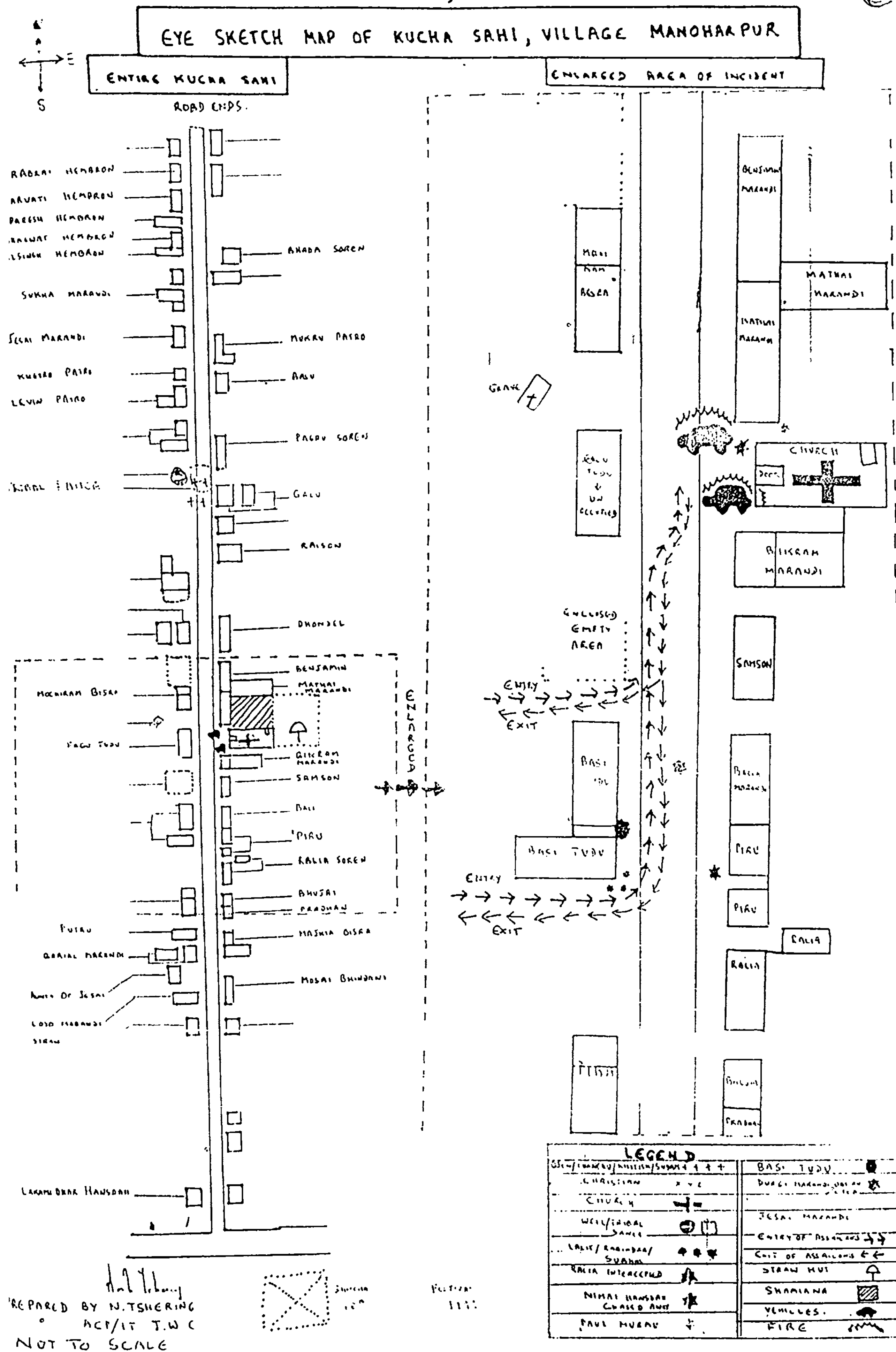
BIHAR
WEST BENGAL
SUNDARGARH
ANGUL
DHENKANAL
JAJPUR
BHADRAK
BALASORE

KEONJHAR
MAYURBHANJA
BARIPADA

Tiringi
Bahada
Kulaisila
Jamda
Rairangpur
Bijatala
Barasakana
Kusumi
Bisai
Bangiriposi
Badampahar
Jashipur
Kutlana
Kucha
Dooli
Suliapada
Bara Bahali
Joda
Champua
Bansapani
Badabhanan
Paysora
Jhumpura
Sukruli
Jamauni
Shamakhunta
Krishnachandrapur
Simillipahar
Murude
Pataspada
Rajanagar
Kaanjia
Khejuri
Ragoyindra
Dhulaboo
Singpur
Banspal
Saharpada
Kendumudi
Khunta
Sanakhunta
Barusahi
Gopabandhunagar
Patna
Thakurmunda
Kunor
Dhenkikote
Manoharapur
Karpti pada
Janghira
Ghatgaon
Baitarani
Similia
Satkuma
Tulkoi
Harichandanpur
Palaspal
Anandapur
Bimbala
Nuagaon
Ghasipura
Hatadihi



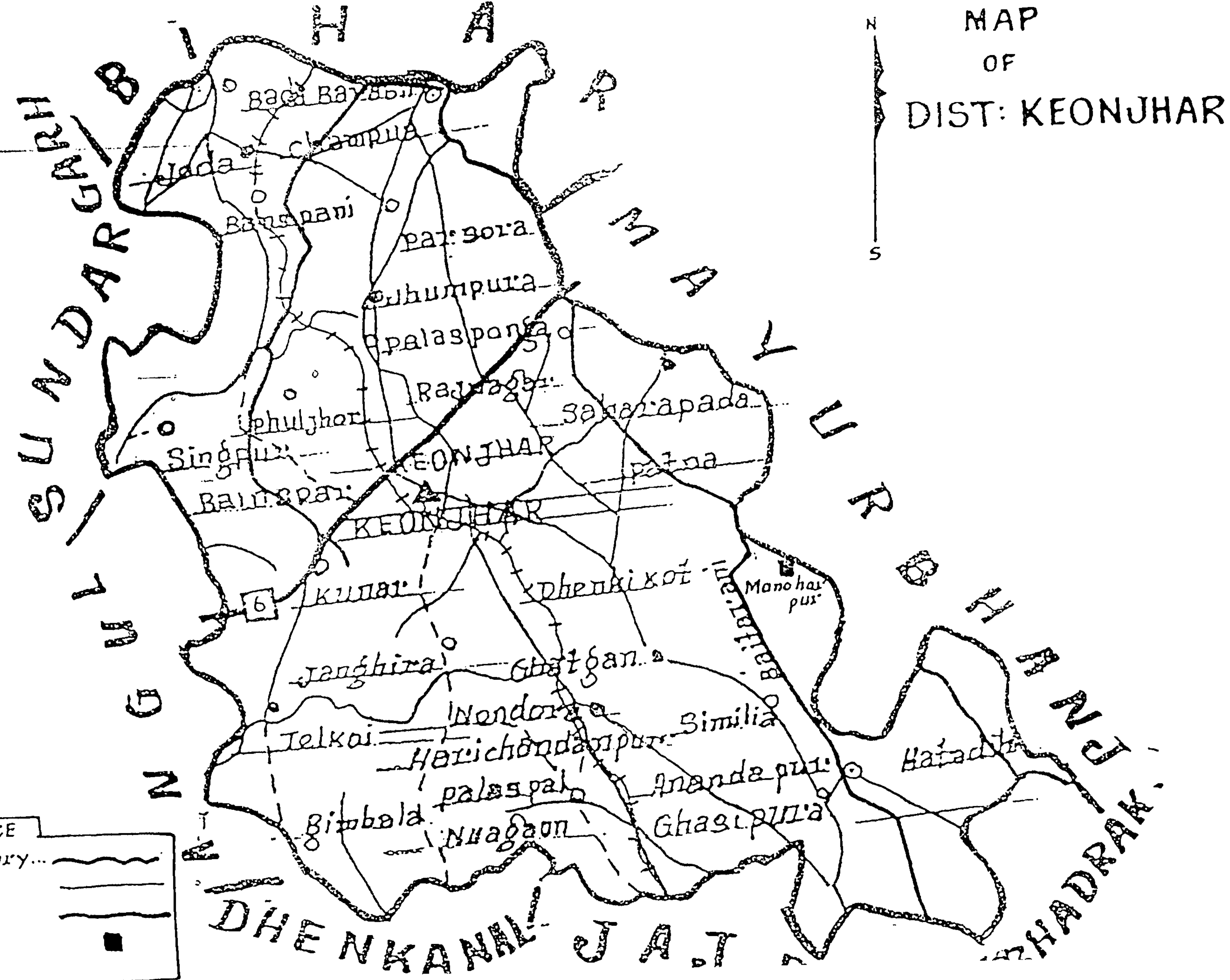
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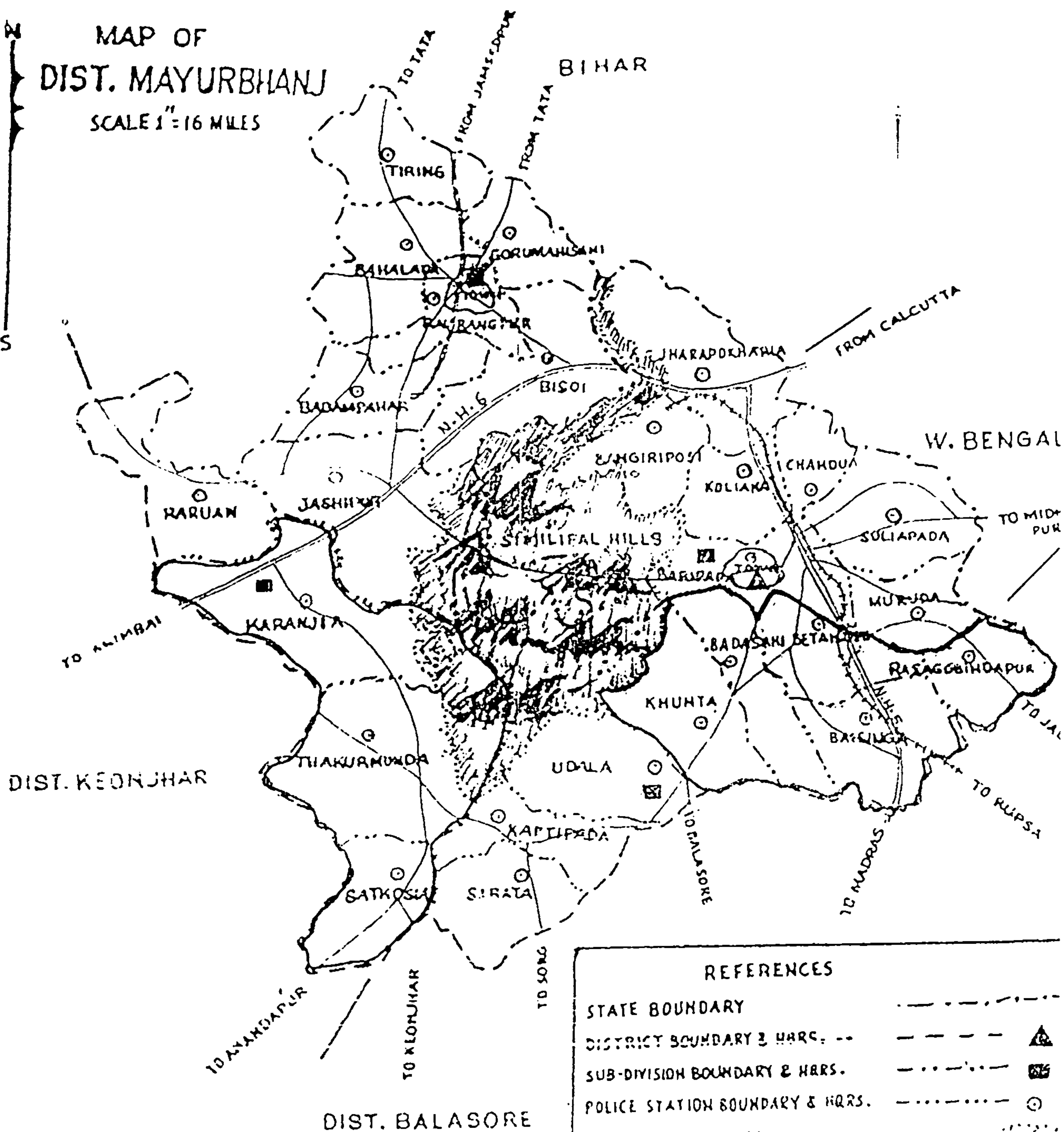
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12

MAP OF DIST: KEONJHAR



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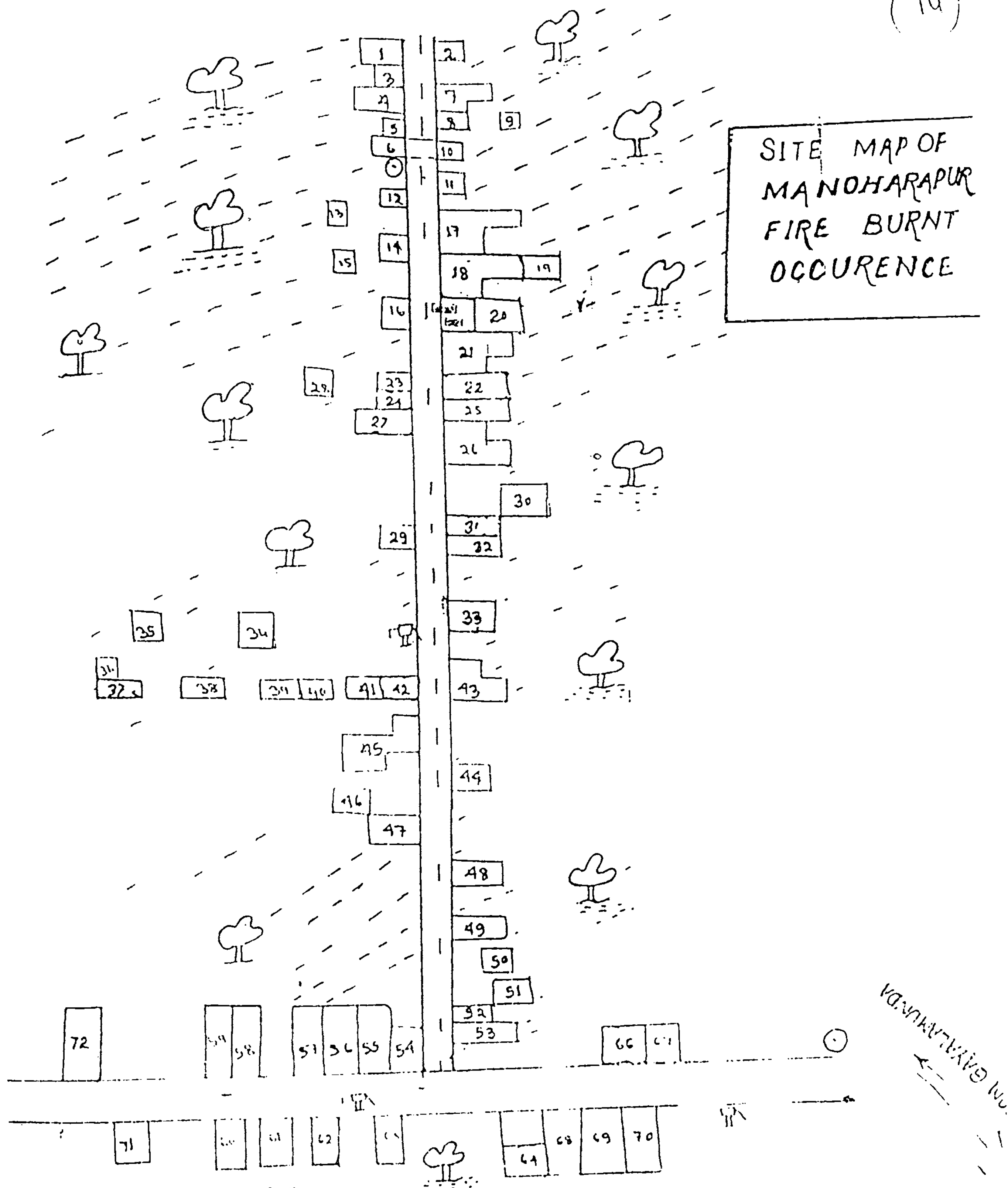
REFERENCES

STATE BOUNDARY	
DISTRICT BOUNDARY & HQRS.	
SUB-DIVISION BOUNDARY & HQRS.	
POLICE STATION BOUNDARY & HQRS.	
SIMILIPAL HILL AREA.	
N.H.WAY	N.H.
OTHER WAY	
RAIL WAY LINE	
MAYURBHANJ (S.T.) P/C.	
KEONJHAR (S.T.) P/C. & KARANJIA (S.T.) A/S	
BALASORE P/C. & BAISINGA & KHUNTA (S.T.)	

PREPARED BY. CHECKED BY. HEAD DRAFTSMAN

RECESS OFFICER
BARIPADA

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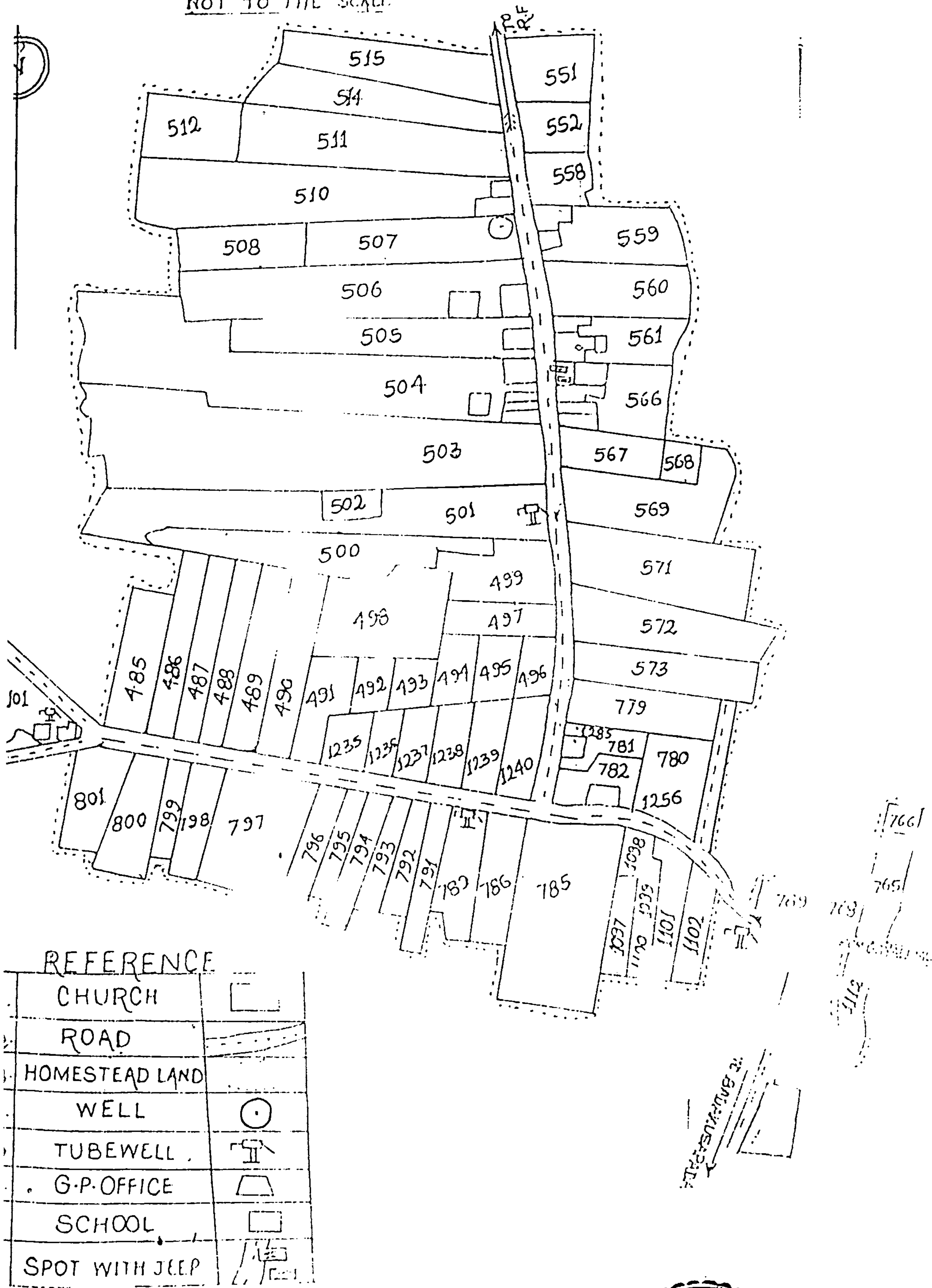
REFERENCE

1.	CHURCH	
2.	PLACE OF DANCE	
3.	HOUSE OF WITNESS	
4.	SPOT WITH JEEP	
5.	WELL	
6.	TUBEWEEL	
7.	AGRI. LAND	
	TREE	

NO.	HOUSE OF WITNESS
18.	MATHAI MARANDI
21	BASI TUDU
27	M/O. PADAN TUDU
31.	ROLIA SOREN
22	SAMSAN MARANDI
42	RAGHUNATH DUHURY
66	NISIKANTA HEMBRAM
37	SOLEMAN MARANDI
62.	MADHUSUDAN MARANDI
72.	NIMAI HASDA
64.	SHANKAR MARANDI

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SITE PLAN OF VILLAGE MANOHARPUR
NOT TO THE SCALE



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INVESTIGATION

After the incident, First Information Report (FIR) was lodged by Ralia Soren on 23rd January, 1999. According to the case diary of the Police Station Anandpur, FIR was lodged on a plain paper at the site of the crime and was sent to the police station through Constable M. Rout for registration of the case under Sections 147/148/435/436/302/149 Indian Penal Code (IPC) and Sections 25 and 27 of the Arms Act. It reached the police station at 2.00 p.m. Police Station Anandpur is located at a distance of 50 km. from Manoharpur. In his report, Ralia Soren said that as on the earlier occasions, this year also Jungle Mela was organised in Manoharpur from 20th January, 1999 to 24th January, 1999. Graham Staines who lived in Baripada used to attend jungle mela. He reached Manoharpur on 20th January, 1999 with his two sons Philip and Timothy. Other persons also came from Baripada to participate in jungle mela. All of them came in two vehicles. Graham Staines and his two sons used to sleep in one of the two vehicles. On the night of 22nd January, 1999, they similarly slept in the vehicle. In the middle of the night at about 12 O'clock his wife woke him up after hearing the sound of breaking of the vehicles. Ralia Soren and other neighbours came out of the houses and saw that more than 50 persons armed with lathis were banging the vehicles. They set fire to the vehicles. They threw stones towards them and when they protested, the miscreants threatened to kill them by brandishing lathis, Bhujali and guns. Then the miscreants also set fire to the church house.

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Both the vehicles were completely burnt. Graham Staines and his two sons died inside one of the vehicles. Ralia Soren then said that one of the accused persons caught hold of his neck to kill him but he escaped from his clutches. The incident was witnessed by persons belonging to Christian community and his neighbours. He identified some of the miscreants and gave their names

1. Lalit Marandi;
2. Subas Murmu;
3. Rabindra Marandi;
4. Sudam Murmu; and
5. Khitish Marandi.

The miscreants after committing the crime, left shouting slogans "Bajrang Dal zindabad" and "Dara Singh Zindabad" After they had left, Ralia Soren said he along with other Christians of the locality came to the spot and found Graham Staines and his two sons were completely burnt to death. He said, two days prior to the incident, he had seen Dara Singh along with some other persons moving around in the village. He believed that the crime was committed by Dara Singh and the supporters of the Bajrang Dal. Ralia Soren then said that after the incident he first went to Thakurmunda Police Station at about 3 a.m. and reported the matter to Police Station in-charge who told him that he would inform all concerned in the morning and sent him to Anandpur Police St tion. Ralia Soren

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returned to village Manoharpur and found that Police Station In-charge Anandpur was already present there. He then reported the matter.

The fact that Graham Staines and his two sons were burnt to death while they were sleeping in vehicle ORM 1208 cannot be disputed and so also the fact that the other vehicle having Registration No. ORM 952 was also completely gutted. There is no evidence that any of the miscreants was carrying a gun or used the same. No one set fire to the church house. FIR was recorded by Jayanta Kr. Mohapatra. He is officer-in-charge of Anandpur Police Station. He was asked if the statement recorded in the FIR that miscreants set fire to the church house was correct. He said it was a wrong statement. He was then asked that since the FIR was prepared at the spot, did he ask Ralia Soren as to why he was making a false statement when he said that the church house was set on fire. The answer was that he did not question Ralia Soren about it. In his deposition before the Commission, Ralia Soren said that no harm was caused to the church. He was then questioned as to why he stated in the FIR that the miscreants set fire to the church. His answer was that he was in a state of shock at that time and did not know what was being recorded by the police officer. He also said that the police had been inquiring from various persons about the incident right since the morning till the night when FIR was recorded. Ralia Soren filed two affidavits before the Commission (Exhibit W-7/1 and W-7/2) Affidavit Exhibit W-7/1 is dated 7th March, 1999 and that Exhibit W-7/2 is dated 22nd March, 1999. Second

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affidavit is in Oriya language and its English translation has also been brought on record. Ralia Soren also appeared in the administrative inquiry conducted by the RDC (Revenue Divisional Commissioner) where he made his statement on 3rd February, 1999. He was also examined by Mr. D.R. Karthikeyan, Director General, National Human Right Commission. Then he was examined by the Crime Branch of Orissa Police which had taken over the investigation of the case from the local police. Lastly, he was examined by the CBI to which organisation ultimately the investigation was transferred. Ralia Soren gave conflicting statements as to identify the accused persons, nature of the slogans, his having known Dara Singh and his having at all witnessed the crime.

Before the RDC, he stated that the miscreants had shouted slogans "Jai Bajrang Bali" and Jai Dara Singh" while departing from the scene of crime. He could not say who was responsible for the incident and who had killed Graham Staines and his two sons. He could not identify any of the miscreants. Before Mr. D.R. Karthikeyan, who submitted his report on 8th February, 1999, Ralia Soren said that in the FIR he had mentioned only two names, i.e., Sudam Murmu and Khitish Marandi. He had also stated that he had no personal knowledge of the involvement of these persons but he named them because they were involved in an earlier incident of 5th January, 1999. In this earlier incident, Khitish Marandi had objected to the playing of audio cassettes by the Christians during the marriage of one Bhartha Hansda, daughter of Bhimo Hansda, a Christian

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which matter at that time had been amicably sorted out. Ralia Soren had also differed about the nature of slogans which he said he did not hear personally and heard from others that the mob had shouted "Bajrang Bali Ki Jai" and "Dara Singh Zindabad" Before the Crime Branch, in the statement recorded on 7th Februry, 1999 under Section 161 of the Code of Criminal Procedure (Cr.P.C.) Ralia Soren categorically stated that he could not identify any person in the mob. He said that he had left the place immediately after being assaulted by some persons and went to the house of the village Mukhia, Nishikanta Pradhan to seek help and when he returned, it was all over. The statement of Ralia Soren as recorded by the Crime Branch was also Video Taped which video was played in the Commission proceedings in the presence of Ralia Soren. In his affidavit dated 17th March, 1999 (Exhibit W-7/1), Ralia Soren said that on the night of 22nd January, 1999 he was woken by his wife when she heard a deafening sound coming from outside. He saw a lot of people with lathis banging the vehicle of Staines and on his protest, the mob caught hold of him and threatened him not to move. When he went to meet Gram Rakhi, the latter refused to cooperate. Ralia Soren said on his return he saw the villagers dowsing the flames of the vehicle. He was shocked at the ghastly incident. He stated he failed to understand why such a saintly person was killed in that manner. That is all to his first affidavit. In his affidavit (W-7/2) Ralia Soren stated that while he was trying to go near the

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vehicle, he saw Lalit Marandi, Rabindra Marandi and Subash Murmu of his village though he could not recognise others.

The examination of Ralia Soren before the Commission was quite in detail. He was confronted with various contradictions found in the FIR and his statements made to various agencies. He stuck to his statement that he could identify Lalit Marandi, Rabindra Marandi and Subhash Murmu. When confronted with the statements made to RDC and S. C. Bala, DSP of Crime Branch where these three names do not figure, Ralia Soren had an explanation. He said that he was threatened by violent gestures through the window by Shankar Marandi and the father of Lalit Marandi, who is known as Madho Buddha. Before S.C. Bala he said he did not give the names because of the presence of the outsiders, namely,, Nishikanta Hembram and Shankar Marandi both of whom, he said, were inimical to him. Earlier in his statement, Ralia Soren had said that he had cordial relations with Nishikanta Hembram who is the village headman and leader of the non-Christians of Manoharpur village. Shankar Marandi, Nishikanta Hembram and Madhusudan Marandi in their statements before the Commission denied the version given by Ralia Soren that he was threatened or his relations were inimical with anyone of them. About the other two names, Ralia Soren said these were given to him by Jasai Marandi who had come there while FIR was being recorded. The statement of Ralia Soren was also recorded under Section 161 Cr.P.C. on 9.4.1999 by the CBI when he stated as under :

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"On being asked how the names of Dara Singh, Lalit Marandi, Subash Murmu, Rabindra Marandi, Sudam Murmu and Khitish Marandi appeared in my letter of complaint, I am to state that as I could not identify any person on the spot, I only told the 'Thana' Officer of Anandpur P.S. about the incident and as I told you earlier that I do not know how to write etc. The 'Thana' Officer had reproduced it into writing and I merely signed on it, so I could not say how their names appeared in my complaint. I do remember that 'Thana' Officer of Anandpur P.S. had enquired from me on 23.01.1999 regarding the names of the Hindu persons having enmity/annoyance with the members of Christian Community and I remember that I told them about the names of the persons not having good terms with us that includes the aforesaid names. As far as Dara Singh is concerned, I'm to state that I have told them that after committing the crime the mob chanted the slogan "Dara Singh Jindabad"

Ralia Soren denied having told the police that the accused persons had also set fire to the Church. He said he saw those three named persons while watching the scene of crime from a flower plant in front of the house of one Basi Tudu, a widow. The house of Basi Tudu is on the opposite side of the church on the road but towards left side. It was from here when Ralia Soren proceeded towards the church that he was caught hold of by two persons. He could not identify any of those two persons. Thereafter, Ralia Soren was not at the scene of the crime and he came back only after the mob had left.

Peter Murmu is also a signatory to the FIR. He said he did not know what the contents of the FIR were as he said that he was grieving at

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that time. He said he had signed many papers and did not know what was written. Mathai Marandi whose house is next to the Church could not say if Sudam Marandi and Khitish Marandi were present at the time of the incident. He, however, identified Ojen Hansda and Chenchu Hansda. S.C. Bala, DSP of the Crime Branch said that so far his investigation revealed, Lalit Marandi was not involved in the crime. About other four named persons in the FIR he could not say as the investigation was not complete. Loknath Behra, Superintendent of Police, CBI, in his statement was categorical that the five accused named in the FIR were not involved in the crime. Loknath Behra even went to the extent of saying that Chaturbhuj Mahanta and Narendra Mahanta who have also been arrested as accused in the case were innocent of the crime. Ralia Soren said he gave his statement to police after darkness had set in and there was light coming from lanterns, which had been lit.

In his statement Binoy Kr. Behra, DIG of Police (Western Range) who is based at Rourkela stated that after getting information of the crime, he reached Manoharpur at 4.30 p.m. in the afternoon of 23rd January, 1999. Director General of Police, Panda and other Police Officers had already reached there. He could not say as to when DGP reached Manoharpur. Chief Minister also came to village Manoharpur on that day at about 5.30 p.m. and left at about 7.30 and 8.00 p.m. The Director General Police left around 9.30 or 10.00 p.m. The FIR had been written on a plain paper which was shown to him by the Sub-Divisional Police

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Officer at the spot after the DGP had left. He asserted that he saw the original FIR on the plain paper which was shown to him by Mr. Jogendra Patnaik, Sub-Divisional Police Officer and Mr. Jayant Kumar Mohapatra, Officer In-charge, Anandpur Police Station. After having said all this, Mr. Behra added that he was not quite sure when he saw the FIR on the plain paper. The fact, however, remains that he could have seen the FIR only after he had arrived at Manoharpur. Jayant Mohapatra, however, said that he drew up the FIR at 9 a.m. which was forwarded to the Police Station for registration of the case. Similar is the statement of Jogendra Patnaik, SDPO, Anandpur. M.K. Dwivedi, who was the acting SP of Keonjher District also said that plain paper FIR had been recorded before his arrival at Manoharpur. He arrived there at 12.30 p.m. Jogendra Patnaik was confronted with the statement of Binoy Kumar Behra, DIG (WR) that he was shown the plain paper FIR after 9.30 or 10.00 p.m. by him. He denied the same. Ralia Soren has categorically stated that FIR was written after darkness had set in and lanterns were lit. It would, therefore, appear that Binoy Kumar Behra, DIG (WR) is correct when he states that he saw the plain paper FIR after 9.30/10.00 p.m. It is, thus, clear that the FIR was drawn up only after the Chief Minister had left Manoharpur. From all angles, it is a doctored FIR, a large part of which has been disowned by the informant himself and also has been shown to be false.

On the strength of the statement given by Ralia Soren, FIR was registered as No. 9/99 P.S. Anandpur. Investigation was first taken up by

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the local police. On 29th January, 1999 investigation was entrusted to the Crime Branch and was taken over by it on 2nd February 1999. On 25th February, 1999 State of Orissa issued a notification under Section 6 of the Delhi Special Police Establishment Act, 1946, giving consent to the extension of powers and jurisdiction of the members of the Delhi Police Establishment for investigation of the case. On 26th March, 1999, Central Government in the Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training) issued a notification under Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 after referring to the notification dated 25th February, 1999 of the State of Orissa extending the powers and jurisdiction of the members of the Delhi Special Police Establishment for investigation of the case "relating to the alleged murder of Australian missionary Staines and his two minor sons in village Manoharpur of Keonjhar District of Orissa and attempt, abetment and conspiracy in relation to or in connection with the offences under Sections 147, 148, 149, 435, 436, 302 of Indian Penal Code and under Section 25/27 of Arms Act, 1959 and any other offence or offences committed in the course of same transaction or arising out of the same facts" Thus CBI came into picture and it took over the investigation of the case from the Crime Branch on 29th March, 1999 when a formal RC No. 7/S/99-Cal was registered.

By the time the case was taken over by the Crime Branch, local police had arrested 51 persons alleged to be involved in the crime. They

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were sent to judicial custody, police not asking for police remand even for a single day. Crime Branch did not find any case against any of them. For 44 of them Crime Branch sought their release under Section 169 of the Code of Criminal Procedure. However, the High Court of Orissa released the 44 accused on bail by order dated 20th March, 1999. They were released on the following day. Crime Branch was about to file another application for release of remaining 7 accused persons but in the meantime CBI took over the investigation. Then 7 persons were also released on bail on an application filed by the CBI. It would thus appear that 51 persons underwent agony of going into judicial custody for two months or more. Though initially the State Government took a great deal of pride that police arrested as many as 51 accused showing the efficiency and promptness of the police but ultimately subsequent events showed that in the State of Orissa as far as these 51 persons are concerned there was no rule of law. Prakash Mishra (DIG) in his supervision note had stated categorically that there was no evidence in respect of all the five FIR named accused persons or the 51 persons arrested by the local police.

The question then arises in view of the contradictions, which make the FIR a false document what was the motivating force behind it? And why as many as 51 innocent persons arrested between 23rd to 28th January, 1999?

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Answers to these questions are not far to seek. State Government was rattled by the gravity of the crime. To divert attention from its own failure to maintain law and order and to protect the innocent and then to slow 'speedy and decisive' action, a false picture is presented.

The police went berserk. It does appear that the police arrested these 51 persons when even the investigation did not make any headway. B.K. Behra, DIG of Police (Western Range) Rourkela, camped at Manoharpur from 23rd January, 1999 to 28th January, 1999 by which time 51 persons had been arrested. He had no time to oversee the investigation. He said he was looking after the law and order situation. Evidence has come on record that there was no animosity between the Christian and non-Christian tribals living in the village. All the police officers of whatever rank, it would appear, were looking after the security of the VIPs, who had swarmed to the site which included the Chief Minister of the State. There was no control over the public visiting the site of the crime. The place of occurrence had not been properly barricaded. VIPs were allowed all over the place. If there was any investigation on 23th January, 1999 it was completely hampered by the visits of the VIPs. In fact investigation was kept on hold on that day. All the clues had not been gathered. A half burnt wristwatch (Photo marked as Exh.-X) was recovered from vehicle ORM 1208 on 25th January, 1999 by Gurudas Dasgupta, MP, who lead the team of MPs to Manoharpur. Gurudas Dasgupta, M.P handed over the watch so recovered by him to the

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Hon'ble President of India when he met him along with A.B. Bardhan and others. President of India wrote a letter on 23rd February, 1999 to the Home Minister, which is as under: -

"Dear Shri Advaniji,

Shri Gurudas Das Gupta, MP accompanied by Shri A.B. Bardhan, General Secretary of the CPI, Shri J. Chittaranjan and Shri D. Raja met me this evening, regarding the death of Rev. Staines and his two sons in Manoharpur, Orissa on the night of 22.1.1999. Shri Dasgupta told me that he had visited the scene of the tragedy shortly after its occurrence and recovered from the charred vehicle a wristwatch, presumably belonging to Rev Staines. He wondered how a piece of evidence like the watch could have remained uncollected by the investigating authorities. He showed me the watch and asked if he could give it to me to be passed on to the right quarters. I responded by saying that it would be more appropriate if it were to be handed over by him to those authorities who are directly involved with the investigation into the crime. Shri Dasgupta indicated that he would meet you in this connection.

I thought I should apprise you of this discussion.

With regards,

Yours sincerely,
Sd/-
(K.R. Narayanan)"

By letter dated 25th February, 1999 Central Government in the Ministry of Home Affairs sent the said wristwatch to the Commission. This letter is as under:

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"No. 39/9/99-NIMC
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
North Block, New Delhi

25th February, 1999

To

The Secretary
Justice Wadhwa Commission of Enquiry,
8, Motilal Nehru Marg
NEW DELHI.

Sub: **Object found at the site of killing of Mr. Stewart Staines at village Manoharpur.**

Sir,

I am directed to enclose herewith an object which appears to be a burnt out watch. The object was handed over to the Home Minister by Shri Gurudas Dasgupta and Shri D. Raja, Members of Parliament. They have informed the Home Minister that they recovered this object from the site of the killing of Mr. Staines during their recent visit to Manoharpur, District Keonjhar, Orissa. It is their contention that the investigation is not being conducted properly by the State Police as they should have found the object during their preliminary investigations.

I am to request you to kindly look into this aspect and enquire as to why this object was not retrieved in the course of the initial investigation. You may like to contact the concerned MPs for fuller details.

Yours faithfully,

Sd/-
(Sandeep Bagchee)
Joint Secretary"

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Secretary to the Commission handed over the watch to the Crime Branch on 9th March, 1999 under a seizure memo.

The watch stopped at 12.32. On the day of the occurrence local police had recovered one completely burnt table clock with hands stopped at 12.15, a burnt canon camera and other articles like scissors, spoons, coins, etc. from the vehicle ORM 1208.

Though Jayant Mohapatra, OIC, Anandpur and B.C. Biswal, Scientific Officer, District Forensic Laboratory, Keonjhar stated that they had properly searched both the vehicles and recovered all the articles, yet a half burnt wrist watch was recovered by Gurudas Dasgupta, MP, which has been identified by Gladys Staines to be that of her husband. It would, therefore, be apparent that immediate investigation was not thorough and important evidence and vital clues were allowed to be lost.

Investigation thereafter was conducted in depth by the Crime Branch and then by the CBI. S.C. Bala, DSP, Crime Branch, who was investigating the case recorded the statements of about 60 witnesses under Section 161 Cr.P.C. and two of them under Section 164 Cr.P.C. He arrested six persons. 51 persons were already in judicial custody before he took over. S.C. Bala said that statement of Ralia Soren under Section 161 Cr.P.C.was voluntarily made and he recorded the same on video as well. This video (Exh.-A) was screened in the Commission's proceedings. Since S.C. Bala had made substantial progress in the investigation, he

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was asked if he could state on the basis of his investigation as to what could be the motive behind the killings of Staines and his two children. His answer is as under:

> "The motive appeared to be that non-Christian people were aggrieved on the ground that Christian fathers/missionaries who are converting the people to Christianity in a deceitful manner by giving allurements.

S.C. Bala also said that his investigation revealed that the killing was the work of Dara Singh with the help of some of his supporters.

Loknath Behra, SP, CBI, who was in charge of the case, submitted that CBI recorded the statements of as many as 89 witnesses under Section 161 Cr.P.C. and of one accused under Section 164 Cr.P.C. When he appeared before the Commission on 20th May, 1999 he said 80% of the investigation was complete. CBI arrested five accused in the course of its investigation. Various articles recovered by the local police on 23rd January, 1999 were sent immediately for inspection. These were sent by the CBI after it took over the investigation. A report was obtained from the CFSL regarding inspection of these articles. Loknath Behra also said that the investigation so far conducted revealed that the crime was perpetrated by Dara Singh as the principal conspirator He said all the aspects of the case would, however, emerge after Dara Singh was arrested and that the motive could be pinpointed after his arrest. He added that the investigation so far conducted revealed that Dara Singh took his

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accomplices for the crime stating that "let us go and assault the Christian missionaries who have come to Manoharpur as they are indulging in conversion of innocent tribals to Christianity and are spoiling our religion and culture" Behra was also of the view that till investigation was complete "it may not be possible for me to name any organisation or party, who may be behind this carnage"

B.B. Panda, who was DGP at the relevant time, was asked if he suspected on reasonable basis any political protection or motive or interference insofar as the incident was concerned and also the case for the non-arrest of Dara Singh. His answer was "I do not suspect"

Inquest of the three dead bodies of Staines and his two children was done by Jayant Kumar Mohapatra, OIC, Anandpur P.S. He recorded the cause of death as due to burning by fire. Post Mortem on the dead bodies was conducted by Dr. N.K. Mohanty, which indicated that "all the three died due to death by burning" His opinion regarding the death in respect of the three is as under: -

> "(i) The presence of carbon soot in the respiratory passage indicates that the deceased was living in the event of burn.
>
> (ii) No definite opinion as to the time of death can be given in absence of usual P.M. changes. However, the death has occurred within about 6 hours from taking the last principal meal.
>
> (iii) Death was due to combined effect of shock and suffocation resulting from burn.

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It is thus apparent that Staines and his two children were burnt alive.

B.C. Biswal, Scientific Officer visited the place of occurrence on 23rd January, 1999. He took photographs of the vehicles and the dead bodies lying therein. These photographs are exhibited as W-15/3 but those are black and white photographs and the dead bodies are not at all discernible. Commission wished that better photographs and preferably coloured photographs could have been taken by Biswal as he was the first scientific officer to reach the spot for forensic report.

A report was, therefore, obtained from the State Forensic Science Laboratory which was given by Dr. B.D. Pradhan, Assistant Director, Physics Division, SFSL, Bhubaneshwar and P.C. Mandal, Scientific Officer. They visited the spot on 2nd February, 1999 and submitted their report on 9th February, 1999. Their opinion is as under:

> "(i) Since the two vehicles were diesel vehicles and their front portions were less damaged due to fire and the two vehicles caught fire simultaneously, the probability of generation of fire from the engine compartment due to battery short circuit is ruled out.
>
> (ii) When no remnants of any incriminating substance which can produce fire could be detected either from the surroundings or from the debris's of the two vehicles, the possibility of fire being produced due to any explosive substance is also ruled out.

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(iii) The detection of ashes of straw inside the vehicles indicate that the bunches of straw had acted as one of the burning agents.

(iv) The detection of molten mass of metal and glass indicate that the burning was very severe and very high temperature had been generated during the burning.

(v) Since the two vehicles were having metal bodies and the burning was very severe it is suspected that some kind of highly inflammable substance like petrol or diesel or kerosene has been used as an accelerant of fire.

(vi) During spot visit the fuel tank caps of both the vehicles were found in closed and screwed condition, so the possibility of fuel from the vehicles being taken out and used in the burning is quite remote.

(vii) The I.O. during his spot visit had seized one burnt table clock which was stopped at 12.15 hours from the vehicle ORM-1208. From this it is ascertained that the occurrence took place around 12 O'clock in the night of 22.1.1999.

(viii) The I.O. had also seized some stone pieces from the village road, inside the Church etc. which indicates that there was pelting of stones during the occurrence of the crime.

(ix) During the course of burning of the vehicle ORM-952 the ignition key of the vehicle might have got short circuited causing the vehicle to be pushed forward a little distance if parked in front gear position.

(x) The I.O. is advised to send the material objects marked as A,B,C,D,F,G and H to FSL for detection of residues of petrol or diesel or kerosene oil, if any.

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(xi) From observation of the spot and the two burnt vehicles it is opined that it is a case of arson done by some miscreants by setting fire to the vehicles.

Again report of Dr. B.D. Pradhan regarding the possibility of use of any firearms was obtained. Dr. Pradhan gave his opinion as under: -

"(i) Since no remnants of any incriminating substance of fire arm discharge could be detected either from the debris of the two vehicles, body and floor of the two vehicles or from the surroundings no opinion could be formed regarding the possibility of use of fire arm to kill the deceased persons prior to the burning of the vehicles.

(ii) The sound heard by the inmates of the near house may be due to the burning and explosion of tyre and tubes of both the vehicles burning of the diesel tanks or metallic detachment during the arson."

The report of the Central Forensic Science Laboratory on the articles seized from the site on the date of the crime indicates the presence of diesel in the various exhibits sent for testing on the basis of analysis by Gas Liquid Chromatograph. This, however, does not indicate that diesel was used for putting the vehicles on fire.

Both S.C. Bala of Crime Branch and Loknath Behra of CBI produced case diaries before the Commission in sealed covers.

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WITNESSES BEFORE THE COMMISSION

At this stage those parts of the statements of witnesses recorded by the Commission and relevant may be referred to

A. Witnesses who speak about the preparation for the crime:

Srikant Purty (W-28)

He is a resident of village Dumuridiha which is at a distance of 3 Kms. from Manoharpur. On 21st January, 1999, evening when he returned to his house at about 8.30 p.m., he found 8 persons were sleeping in the Verandah of his house. He was told that these persons had come after visiting the Manoharpur Mela. Of the 8 persons he could identify Dipu Das, Kartik Lohar, Andha Naik and Dara Singh. After making arrangements for food for these 8 persons, Srikant Purty went to his wheat field in the night to keep guard. When he returned in the morning he found that the 8 persons had already left.

On 22nd January, 1999 after taking his meal, Srikant Purty went to his wheat field along with his cousin brother Rajendra Hembram for keeping guard. Earlier, he was told that two boys, namely, Ojan Hansda and Chenchu Hansda had come to the house and were inquiring about the persons who had stayed there the previous night. At about 8.30 p.m. six persons came near the hut where he and Rajendra Hembram were sleeping. They asked for water Srikant Purty provided them with a

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bucket and asked them to draw water from the well. They also wanted some utensil for taking "flattened rice" Some more people came thereafter and the number grew to about 30 to 35. Some of the persons he could identify were Ojan Hansda, Chenchu Hansda and Mahendra Hembram, all of Manoharpur, Andha Naik of Baliposi and Kartik Lohar of Boring and Dara Singh. The last named person was dressed in a lungi and kurta. When Srikant Purty asked them about the purpose of their congregation there, he was told that they were going to village Puthujhuri to stage a drama. This village is at a distance of about 18-20 Kms from Manoharpur. He was also told that the material for staging the drama was already lying on the road. All of them took flattened rice (Chura and Chini). Then Dara Singh gave red ribbons to all of them to tie them on their heads. From there they proceeded towards Manoharpur as the road to Puthujhuri passes through Manoharpur. Some of the persons collected wooden lathis from the heap, which were kept in the field for fencing purposes. 10 to 15 persons were also carrying torches. Dara Singh was holding a bag and an axe. They left at about 11 p.m. On the following day, i.e., 23rd January, 1999 at about 5.30 p.m. Srikant Purty heard that three persons had been killed of whom one was an elderly person and two were children. He also heard that two vehicles had also been burnt.

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Rajendra hembram (W-44)

This witness corroborates the version of Srikant Purty who is his cousin.

Purnachandra Mahanta (W-29)

He is a resident of village Gopinathpur (Banbir). Dara Singh was staying in the house of Kali Master in the village (Banbir). Dara Singh is a very popular figure in the village as he forcibly frees cows from the people who take them for selling. After freeing the cows, Dara Singh distributes the cows among the villagers. 7 days after Makar Sakranti, Dara Singh asked him to accompany him to Manoharpur. When the witness asked what was the purpose, he was told that there was some work. He was informed that the nature of work would be told to him after he agreed to accompany them. At that time there were 10 to 12 persons along with Dara Singh. On the following day, he went to Chaturisahi. Reaching there at about 11 a.m., he saw Dara Singh along with Dipu Das, a resident of a village near Patna. Both of them were taking Handia in a shop. At that time the police from the Thakurmunda Police Station arrived in a jeep. Dara Singh was intoxicated and was rolling on the road while Dipu Das was trying to lift him by holding his hand. Some other policemen offered to help, as Dipu was unable to lift Dara Singh. The policemen lifted Dara Singh and placed him on the roadside and went away.

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Satya Soren (W-36)

He is a resident of village Remedianuagaon under Thakurmunda Police Station. On 22nd January, 1999, he had been to the house of Peon Tudu, his brother-in-law, living in the same village. He had gone to the handia shop. While he was there, he saw two boys from Manoharpur. Kartik Lohar and Dara Singh had come to his village Remedianuagaon. They were sitting under a mango tree. Chenchu and another boy were also there. They were holding a meeting and discussing about going to Manoharpur to assault the Christians. Soren said he did not know who those Christians were. These persons left between 3 to 4 p.m.

B. Witnesses to the Commission of the Crime

Subhankar Ghosh (W-1)

Ghosh is known to Staines since 1969. He is associated with the Leprosy Home. He had accompanied Staines to Manoharpur to attend the jungle camp. On the night of 22nd January, 1999 he was staying in the house of Samson Marandi (W-16) along with Gilbert Venz of Australia. The house of Samson Marandi is situated one house away from the Church in Manoharpur. During the night of 22nd/23rd January, 1999 at about 12.15 a.m. Ghosh was woken from his sleep by the noise of banging of the vehicles. There was also an uproar Both he and Venz were dumbfounded and could not make out what it was all about. Suddenly, he saw flames from a side window opening towards the church.

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Samson Marandi came to him and told him that the vehicles had been set on fire and that Staines and his two children were probably inside. Ghosh further said that he heard a long whistle and after that everything appeared to calm down. The fire was put out by around 2.30 a.m. He went and saw the charred bodies lying inside the vehicle. He then asked the people to go and inform the police.

Nimai Hansda (W-6)

He is the driver working with Staines. He has been coming to Manoharpur for the last 10 to 12 years to attend the jungle camps. He reached Manoharpur along with Staines and others in two vehicles late in the evening of 20th January, 1999. Staines and his two sons slept inside the vehicle on the nights 20th, 21st and 22nd January, 1999. He was sleeping in a thatched hut on the back of the church. Shouts were heard at about 12-12.30 a.m. on the night of 22nd/23rd January, 1999 along with noise of banging of the vehicles. Nimai Hansda immediately went towards the vehicle and saw 50-60 persons standing in front of the vehicles. Some of them were breaking the glass and the lights of the vehicles. A boy was trying to set fire to the right side front wheel of ORM 952 with a bundle of straw. They were hitting the vehicle (ORM-1208) with lathis. He was assaulted with lathis when he tried to pull out the straw bundle from under the vehicle. He then ran towards the Church to save himself. He was unable to recognize anybody due to darkness and also because torchlight was focussed on him. Persons in the mob were talking in Oriya and were

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shouting, "shoot" and also warning others by saying "Nobody should come out" They left the scene after burning the vehicle and shouting slogans "Bajrang Bali Ki Jai" and "Dara Singh Zindabad" The whole occurrence happened within a span of half an hour or so. He further stated that when he called out for the villagers, none came out. The villagers could not come out as the persons who had attacked the vehicle were also guarding every house. Out of fear, some of the villagers ran towards the jungle. When the mob had left, Nimai Hansda ran towards the vehicle and found both the vehicles burnt and Staines and his two children burning inside the vehicle (ORM-1208). He could see only the flames. He went to Subhankar Ghosh and informed him about the burning of Staines and his two children. The miscreants left the scene after hearing the blow of whistle thrice. Though he suffered injuries, he was not medically examined by the police. Nimai Hansda then said that except hearing the sound of bursting of tyres, he did not hear any other sound. He saw the straw bundles, which were on top of the vehicle ORM 1208 being taken away by the miscreants. He did not see any other chemical substance being used for burning the vehicle. He also said that the vehicles were meant for the Leprosy Home at Baripada and also for the farm at Rajabasa. They were also used for various marriage functions of the Christians.

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Ralia Soren (W-7)

He is the informant who lodged the FIR. He is resident of village Manoharpur and a Pastor of Manoharpur Church. His house is four houses away from the Church. On the night of 22nd January, 1999 everyone retired at about 9.30 p.m. Staines and his two children went to sleep inside the vehicle ORM 1208. At about midnight Soren was woken up by his wife on hearing some bursting sound. He went outside and saw 50 persons had gathered on the road armed with lathis. They were focusing torches all around. Soren said he stealthily stood behind a flower plant near the house of Basi Tudu opposite the Church. From there he could identify Lalit Marandi, Rabindra Marandi and Subhash Murmu. When he tried to proceed further one person from the mob focused torch on his eyes and another caught hold of his neck. He could not identify anyone of them. He was threatened that if he called anybody, he would be killed. Then he heard the voice of Barial Marandi (@ Ishak Marandi). On hearing the same those two persons let him off. Soren saw one of the vehicles ORM 952 on fire. He went to the back of his house and shouted for his Christian brothers but no one responded. He did not see vehicle ORM 1208 being put on fire. Thereafter he left the scene of the crime and went to the house of the Gram Rakhi (this witness has not been shown to be truthful as far as his eye witness statement is concerned).

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Peter Murmu (W10)

He is a resident of village Dantur and worked as cook for Staines. He also came along with the group in two vehicles on 20th January, 1999. After Staines and two children retired for the night for 22nd January, 1999 after dinner, Peter Murmu also went to sleep at about 10.00 p.m. He and Paul Murmu slept in a temporary hut on the back of the church. At about 12.30 a.m. he got up hearing the call of Nimai Hansda. He heard some banging sound. He went near the vehicle and found that some people had surrounded both the vehicles and were banging the same with lathis. He was afraid to go near the vehicles. Then he saw vehicle ORM 952 being put on fire. He heard the sound of two persons running. Out of fear, he also ran away towards the jungle on the backside of the church. He could not say for how long he witnessed the banging of the vehicles. Though he was not threatened by anybody he said he ran away because he was scared. He heard no slogans. He did not hear any sound coming from Staines or his two children from the vehicle.

Paul Murmu (W-11)

He is a resident of village Derokantia He knew Staines since 1977 and had been attending jungle camps since 1978. He attended the Jungle camp at Manoharpur five times. He also came to Manoharpur on 20th Jahuary, 1999 along with the group in two vehicles. There were about 200 people attending the jungle camp. More than 100 were staying at the venue of the jungle camp. The Camp continued till 8 p.m. everyday. He

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was staying in one of the straw huts behind the church along with Peter Murmu on the fateful sight, he heard Santhali music being played at a distance of 45-50 feet. At about 12.30 a.m. Nimai Hansda woke him up saying that vehicles were being burnt. He along with Nimai Hansda went near the vehicles. About 50-60 people had surrounded the vehicles. They were armed with lathis. They were trying to open the driver's door of ORM 1208, which they could not open but the door lever was broken. They broke the Glass panes of the vehicles by means of lathis and crowbars. Paul Murmu heard the cries of the children. He did not hear Staines either crying or shouting. The miscreants then brought down straw kept on the top of the vehicle and pushed it inside the vehicle as well as under the vehicle. Thereafter, they set the vehicle to fire. He heard the sound of whistles thrice and slogans "Bajrang Bali Ki Jai" and Dara Singh Zindabad" 3 or 4 times. Thereafter the mob went away by the side of the house of Basi Tudu, which is situated opposite the church. The whole occurrence took place for about an hour Paul Murmu said he witnessed the whole occurrence standing adjacent to the church wall. The moment the miscreants left, he fell down. He did not see Staines or his two children making any attempt to come out of the vehicle. Thereafter he went to the place where Dr. Subhankar Ghosh and Venz were staying. According to him the incident was witnessed by Nimai Hansda, Binod Marandi and Mathai Marandi. No one ventured to go near the vehicle because of the threat given by the miscreants. On being asked as to why

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he being a Pastor and a true Christian did not make any attempt to save them, he replied was that he was suffering from diarrhea and was not having sufficient strength to protect the victims. Moreover, he was very scared. According to Paul Murmu, Staines was also attending baptism and marriage ceremonies of Christian families. If he was not able to go, he would ask Paul Murmu to attend such ceremonies. Staines would also allow the vehicles to be used for such purposes as per the programme.

Samson Marandi (W-16)

He is a resident of village Manoharpur and has been attending jungle camp for the last many years. On the night of 22nd January, 1999, Subhankar Ghosh and Gilbert Venz were sleeping in his house which is one house away from the church. At about 12.30 a.m. he got up on hearing the sounds of banging of the vehicle. He heard shouts threatening to fire and to kill if anybody comes out. He attempted to come out of the front door but could not open the door. Then he heard the shouts from the mob to set fire to the houses. Out of fear, he and his family ran out of the house through the rear door. He could not see the vehicles but only the flames. Subhankar Ghosh and Gilbert Venz also came out of the houses but he did not know when the mob left. He went near the vehicle and saw the charred bodies of Staines and his two children.

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Mathai Marandi (W-40)

House of Mathai Marandi is adjacent to the church in Manoharpur. The land for the church was donated by his father. Staines had been coming to the village Manoharpur for the last 18-19 years during jungle camps, which are held in the month of January every year. There are 18 Christian families in the village. Staines is well known in the village even among non-Christians. Jungle camp was organized in January this year. Staines with his two children and others came to Manoharpur on 20th January, 1999 in two vehicles. They reached at about 9.00 p.m. The jungle camp was held both on 21st January, 1999 and 22nd January, 1999. On the night of 22.1.1999 when he was sleeping in his house, at about 12.00 or 12.30 a.m. he heard sounds of banging. He came outside and saw about 60 persons surrounding the vehicles. Seeing him three persons ran towards him and threatened to kill him if he came near the vehicle. He was terrified and went inside and tried to call Samson Marandi, but was obstructed from going there. He tried to call other people, who were sleeping on the back of the church including Paul Murmu, Peter Murmu, Nimai Hansda and another person from Cuttack. He could not see how the vehicles were put on fire but saw the flames. He could recognize some of the persons in the mob from the photographs, which were shown to him by the CBI He recognized Ojan Hansda and Chenchu Hansda of Manoharpur village. He also recognized Dara Singh when his photo was shown to him. He said he heard the cry of one of the

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children of Staines. All persons in the mob were having red ribbons on their heads and were shouting 'maro maro goli maro'. He could not say if the words 'maro maro' were meant to kill or to assault. He did not see Nimai Hansda witnessing the incident. After setting fire to the vehicles the miscreants whistled thrice and after shouting slogans "Jai Bajrang Bali' and 'Dara Singh Zindabad' they left. He heard loud sound of banging but could not see whether it was on account of any fire arm or bursting of the tyres of the vehicles. His statement was recorded by the local police but he did not narrate any such thing before them. He explained that when his statement was being recorded by the local police many persons were standing there. He disclosed that names and identity members of the gang were mentioned for the first time in the month of April, 1999 when his statement was recorded by the CBI. He stated about the dispute between Christians and non-Christians, which happened on 3/4 occasions. On one occasion it related to ploughing of land during Raja festival. The second incident related to teaching of the Bible to the children, which was objected to by the non-Christians. He did not remember any other difference prior to the incident in question. He also talked about disputes among Christians relating to the church at Manoharpur. He was pointedly asked that when 200-250 persons attended the jungle camp and some belonging to Christian community were sleeping in and around the place of incident, how was it that neither he nor any other person was present there to protect Staines and his two children. His reply was "I cannot say".

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Raghunath Dehury (W-41)

He is a resident of Manoharpur and is a Hindu. On hearing the banging sound on the night of 22nd January, 1999 he got up from his house and went towards the house of Ralia Soren. There he was chased by six persons, who were banging the vehicles. He saw some persons setting fire to the vehicles by bringing straw from a nearby heap. The two vehicles had been parked in front of the church and were visible from the house of Ralia Soren. He saw that some persons were banging the vehicles and others were moving here and there. He identified some of them though he did not know them. He identified these persons from the photographs shown to him by the CBI. He identified the photo of Dara Singh as well, who, he said, was armed with an axe and a lathi. At the same time 8-9 houses away from the church a dance festival was being observed by the villagers. The mob was there for about half an hour and thereafter left after shouting slogans "Bajrang Bali Ki jai" and "Dara Singh Zindabad" He also heard three whistles. He had never heard these slogans earlier.

Solomon Marandi (W-42)

Solomon Marandi is a resident of Manoharpur. On the night of 22nd/23rd January, 1999 he heard the sound of banging. He got up and rushed towards the vehicles. 50 or 60 persons were surrounding the vehicles and they were threatened that if anybody came out of his house he would be killed. They were armed with lathis, axe and torches and one

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of them was also armed with a bow and arrows. He witnessed the whole incident from a place opposite to the church. He saw Ojen and Chenchu. While Chenchu was armed with a lathi Ojen was holding a torch. He saw one person bringing straw and another setting fire to the vehicle. Some others were banging the vehicle. In the other vehicle, Staines and his children were sleeping. That vehicle was also beaten by the mob. Solomon Marandi said he witnessed the scene for about ten minutes. He was chased away and somebody focussed a torch on his face. Seven or eight days after the incident when posters showing photographs of Dara Singh were put up by the police, he recognized him as one of the person present in the mob. Some of the persons in the mob were wearing red ribbons on their heads. He saw that the mob left the place after giving three whistles and after shouting slogans "Bajrang Bali Ki Jai" and Dara Singh Zindabad" He did not disclose the names of Dara Singh, Ojen and Chenchu as being there in the mob to any one till his statement was recorded by the CBI. The reason for not disclosing the names of Chenchu Hansda and Ojen Hansda was because he was threatened. He says that there was a dispute between two groups in the church in Manoharpur but he did not know what the dispute was about. He believed that the crime was committed with the help of some of the youths of Manoharpur village but he could not say as to who was responsible for the crime. He said he told the Crime Branch that he believed that the crime was committed by Dara Singh with some of the youths of village Manoharpur. He was asked

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on what basis he made that statement. His reply was that some people were saying that Dara Singh had attended the drama festival in the village during Makar Sankranti and it was he who had come to the village to commit the crime.

C. Witnesses, who speak about events – Post occurrence

Debendra Mahanta (W-34)

He is a member of the RSS. However, he is not an office bearer. He knows Dara Singh. He has no personal knowledge that Dara Singh had attended any RSS camp or was a member of RSS. He met Dara Singh in different weekly markets in the area. On 23rd January, 1999 Dara Singh with another person came to his orchard at Kumula Bahali village. The time was about 10.30 or 11.00 a.m. Dara Singh asked for food and told him that "I have come back after finishing a job" Mahanta did not ask as to what was the nature of job he had performed nor did Dara Singh tell him. Dara Singh was wearing a lungi and a kurta. The other person, who was introduced as Dipu, was wearing a shirt and a pant.

Purna Chandra Mahanta (W-29)

He is also a witness to the preparation of the crime. According to him a month after the incident he saw Dara Singh at village Telanadisahi. He was staying in the house of Nari Naik. He had gone to the river for a bath. Nari Naik told Dara Singh that the witness was a police informer. Dara Singh called him and threatened him that if he informed the police

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about him he would finish off his whole family. The witness gave this as the reason why he did not inform the police earlier about having met Dara Singh. Mohanta said that on that very day the police of Thakurmunda police station came and chased Dara Singh and even fired at him. Dara Singh, however, managed to escape by hiding himself in a paddy field. The witness was shown the video clipping from Star TV programme "Aaj ki Baat" in which a person was being interviewed by Binoy Bhushan Patnaik. The witness identified the person interviewed as Dara Singh. Though the witness said he was earning Rs.50/- per day he said that some residents of his village had no income at all. Their earnings were only from sale of Sal leaves.

Rajendra Swain (W-9)

He could not be examined in detail as he was ailing. He had filed an affidavit in these proceedings. He is a resident of village Parbatia. He had attended the jungle camp at Manoharpur and had accompanied Staines from Baripada. On the night of 22.1.1999 he was sleeping in a temporary straw hut at a distance of about 10 yards from the church. Around midnight he heard number of persons loudly shouting "maro maro" (kill kill). Hearing this Swain ran towards the church. He saw a group of persons hitting the station wagons parked there with wooden sticks. He said he tried to go close to the vehicles but was stopped as some people threatened to kill him. He saw people running away into the jungle nearby. He also ran to a bamboo bush nearby. He saw the vehicles

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burning and after a few minutes he heard the blowing of the whistle thrice. The crowd then disappeared towards the jungle after shouting slogans "Jai Bajrang Bali"

D. Police Witnesses

Arun Kumar Ray (W-14)

He joined as Superintendent of Police, Keonjhar on 27th January, 1999. His testimony is based on record prior to his joining the post. On his joining the post he came to know that Dara Singh was a criminal and was wanted in many cases. After he joined, an application was filed in the court of SDJM, Keonjhar for cancellation of the bail, earlier granted to Dara Singh. That application was filed on 16th April, 1999. Dara Singh had been involved in various activities of Bajrang Dal and Bhartiya Janata Party. The basis for making such statement was an FIR in case No. 79/97 of Patna Police Station wherein it was complained that Sk. Mantu, a Muslim truck driver was transporting cattle in contravention of the provisions of the Prevention of Cruelty to Animals Act and the Motor Vehicles Act. The complainant in that case was one Biranchi Mahanta, who said that he along with supporters of Bajrang Dal had freed the cattle. He gave the names of his five supporters one of whom was Dara Singh. A case under Section 11 of the Prevention of Cruelty to Animals Act and Section 192 of Motor Vehicles Act was registered. On this very incident a cross-complaint was filed by Sk. Mantu. A case was registered as FIR

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No. 80/97 in Patna Police Station. He did not name any of the accused or any person belonging to any party or organization. In the complaint Sk. Mantu said that he was beaten up with iron rods, etc. by about 15-20 persons and 36 heads of cattle were released. He was also robbed of Rs.2,600/-. On his complaint, a case under Section 147, 148, 341,323, 325, 342, 426, 506, 394, 379, 149 IPC read with Section 7, Criminal Law Amendment Act was registered. Both these FIRs relate to an incident which happened on 19th October, 1997 The complainant and his supporters named in FIR case No. 79/97 were made the accused in case No. 80/97 A charge sheet was submitted in the court on 13.12.1997 against 12 persons of the Mahanta community and Dara Singh. Four of them were arrested. There was a demonstration before the Patna Police Station against their arrest and a representation was given. However, Dara Singh was not a participant. He was arrested on 11th November, 1997 in case No. 80/97 and also in another case No. 83/97. In the latter case, the complainant was a Hindu who was taking cattle. Dara Singh was released on bail on 27th November, 1997 There is no office of the Bajrang Dal in the Keonjhar District though there are some persons belonging to the Bajrang Dal.

He was unable to identify Dara Singh in the TV programme 'Aaj ki Baat'

After his taking over as SP, one case was registered in connection with intimidation to Christian community. The case pertained to Anandpur

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Police Station. There was a dispute over drawing of water from a well in village Dhabani under Gayalamunda Grama Panchayat, which is 10 Kms. from Manoharpur. The complaint was made at the police station by the owner of the well, a Christian, who had converted to Christianity three years earlier. The case was under Section 323/506 IPC. FIR was lodged against only one person. The FIR is dated 4th April, 1999. There is nothing to indicate that the complainant was a Christian or that there is anything to show that there was a dispute between Christians and non-Christians. (It would appear that only after it was known to the Investigating Officer that the complainant was a Christian, that an ordinary dispute between two individuals was made out to be a Christian and non-Christian issue.)

Lalit Das (W-26)

He was Superintendent of Police, Keonjhar from 9th February, 1997 till 15th December, 1998. During his tenure he had not seen Dara Singh or his photograph. The protest made against the arrest of persons in case No. 80/97, in itself did not indicate that Dara Singh was a supporter of the Bhartiya Janata Party. It could only be said that he was a supporter of the Go-Suraksha Samiti. The police was serious about arrest of Dara Singh but no attempt was made to move the court for cancellation of his bail. The reason for not moving such an application was that the police was attempting to arrest Dara Singh. He was neither aware of the holding of jungle camps nor had he heard of Staines. An incident in Jogiabandha

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village occurred in July 1998 where a Christian father had come to the house of Duryodhan Munda, a Christian, to offer prayer. This was objected to by the villagers. The matter was, however, sorted out and no case was registered except that there was a mention of the incident in the station diary. The witness was not aware of the Orissa Freedom of Religion Act, 1967 Apart from the above incident at Jogiabandha no other incident happened in the district during his time. In his affidavit he mentioned three cases where Dara Singh was involved, none of which was of anti-Christian nature. In Patna PS case No. 80/97 the victim was a Muslim but this case was not described as anti-Muslim case. Case No. 83/97 did not involve any Muslim.

Binoy Kumar Behra (W-13)

He is the DIG of Police (Western Range) based at Rourkela. Keonjhar District falls under his Range. He took over as DIG from 8th July, 1998. For two years from 1988 to 1990 he was SP Mayurbhanj where on certain occasions, he met Staines but did not remember the place where he met him. He did not visit the leprosy Home at Baripada.

On 23rd January, 1999 at about 5.30 a.m. he got information about the incident in question from SP Mayurbhanj. While he was getting in touch with Mr. M.K. Dwivedi, he received a message from DGP, B.B. Panda, to go to Manoharpur. He reached there at 4.30 p.m. A police force and officers were already there. He did not know by that time if the

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FIR had been drawn up but he presumed that it must have been done. He was not quite aware of Dara Singh. Earlier there had been a passing reference to Dara Singh but his role was highlighted only after this incident. The Chief Minister came to the spot at about 5.30 p.m. and left at about 7.30 p.m. The DGP had already reached Manoharpur when he reached there and left at about 9 or 10 p.m. Thereafter, he made local inquiries. Earlier, before the arrival of the Chief Minister, he had asked the local people living near the Church about the incident. He instructed the SP, Mayurbhanj as well as SP in-charge, M.K. Dwivedi to form separate squads under the charge of various officers to go around and collect evidence. He was not getting reports about the progress of investigation. He camped at Manoharpur upto 28th January, 1999. The initial arrests of the persons were reported to him. He himself did not verify the correctness of those arrests. He saw the FIR written on a plain paper at about 9.30 or 10 p.m. after the DGP had left. There was no tension between the two communities in the village. Ralia Soren narrated to him the sequence of events but did not give him the names of the accused persons. During his tenure, there was some complaint about tension between Hindus and Muslims in Keonjhar and Mayurbhanj Districts which particularly related to Dara Singh. There was no complaint of any tension between Christians and non-Christians. He could not say if the visits of the VIPs at Manoharpur hampered the investigation as he had to devote most of his own time for maintenance of law and order. For him

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maintenance of law and order during the visits of VIPs at Manoharpur was part of his duty which he did during his camp at Manoharpur.

Abdur Raquib Khan (W-17)

He was the Circle Inspector of Karanjia in the District of Mayurbhanj. Thakurmunda Police Station and Mahuldia Police Station were under his Circle. On 23rd January, 1999 he also went to Manoharpur. He was aware of Dara Singh and his activities under Karanjia Circle. Two cases - one at Thakurmunda Police Station and the other at Mahuldia Police Station were registered against unknown persons. Subsequent investigation, however, revealed that Dara Singh was involved in those cases. Neither had he seen Dara Singh nor had the other police officers in his area. In one case, the description of Dara Singh given was "one person wearing white kurta and pajama with a white cloth on the shoulder and tilak on the forehead" It was confirmed from Police Station Patna that this description tallied with Dara Singh. He was, however, unable to say when this description of Dara Singh was got confirmed. A number of raids were conducted to nab Dara Singh but without success, though help was taken from local villagers to identify Dara Singh.

Pradeep Kapur (W-24)

He took over as Superintendent of Police, Mayurbhanj on 21st December, 1998. As SP and in his capacity as DRO (District Registration

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Officer) he knew Staines as he was a foreign national registered in his office. He saw his files since 1980 though his residential permit dates back to 1973. He met Staines for the first time on 12th or 13th January, 1999 in the office of District Magistrate, Mayurbhanj. He was there along with his two small children. Staines was at that time on a casual visit in connection with the Rotary Foreign Exchange Programme. There was no adverse report against Staines in the office of DRO. In his application for extension of stay in India Staines under the head "profession or present occupation" wrote "missionary trained in carpentry, metal work and motor mechanic; clerk trained in accountancy" Under the head as to why he wanted to prolong his stay, he had mentioned "for Missionary work including assistance with Mayurbhanj Leprosy Home; and Rajabasa Leprosy Rehabilitation Farm, relieving Supervisors when necessary; maintenance and repair of buildings and motor vehicles; mission treasurer; preaching the gospel as time permits"

He had no knowledge about the activities of Staines. He did not visit the Leprosy Home or see any missionary work carried out by Staines. Mrs. Staines had telephoned him to say that the incident had happened in Manoharpur At that time he did not know who was behind the incident. There was no tension between the Hindus and Christians in Mayurbhanj District. When he reached Manoharpur, the District Magistrates of Mayurbhanj and Keonjhar were there and so were DGP, DIG (WR), Rourkela, DSP, SHO, SP, Railways, Rourkela and DIG (Administration).

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The area was not barricaded but the station wagons were being guarded. It was for the first time that he had ever heard of the jungle camp. When he was at Manoharpur no name of any accused was floating at that time. On the basis of a wireless message sent by the Sub-Divisional Magistrate, Anandpur and SDPO, Anandpur jointly on 23rd January, 1999 he came to know that Dara Singh was suspected in the crime. That message he saw on 24th January, 1999. When he referred to Dara Singh and his group he meant Dara Singh and the persons who had been charge sheeted along with him. In the weekly confidential reports dated 14th and 15th December, 1998, it was indicated that Dara Singh was a supporter of the Bajrang Dal. The report dated 3rd January, 1999 mentioned Dara Singh as a worker of Bajrang Dal. Knowing from reports about Dara Singh being associated with Bajrang Dal or being a supporter of Bajrang Dal, he did not think it was necessary to talk to any person or functionary of Bajrang Dal. There were activities of Bajrang Dal in Mayurbhanj District but it had not been established if there was any office of Bajrang Dal in the District. Even prior to the incident or even after the incident there was no intelligence of any anti-Christian sentiments among the people in Mayurbhanj District or among the tribals residing in the District.

Santosh Kumar Upadhaya (W-12)

He was SP Mayurbhanj from 17th February, 1997 till 25th December, 1998. He knew Dara Singh on the basis of records. During his tenure, four cases were registered against unknown persons, one

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each in Thakurmunda and Mahuldia Police Stations and two in Karanjia Police Station. They were anti Muslim cases where Muslim traders were attacked. Investigation revealed that Dara Singh was involved in all these four cases. By "supporters of Dara Singh" he meant all those persons who were charge-sheeted along with him. All efforts were made to arrest Dara Singh but he could not be arrested for the reasons (1) Mahanta caste people gave him protection and whenever he committed any crime, those people did not come forward to help the Police; (2) There was not sufficient Police Force; and (3) there was a lack of intelligence. Dara Singh was not getting any political protection or patronage or political interference was not the reason for his non-arrest. No action was taken against any Mahanta caste person for helping Dara Singh. It was during his tenure that Dara Singh became active in Mayurbhanj, though his activities were confined to the Karanjia sub-division. It was not known if there was any office of the Bajrang Dal in Mayurbhanj District. In the Thakurmunda Police Station Case dated 28th June, 1998, the complainant was Sk. Mantu who was also the complainant in Patna Police Case No.80/97 He is the driver of a truck carrying cattle. The fact that Bajrang Dal is the frontal organisation of Bhartiya Janata Party can be found from the press reports and his personal knowledge. He did send a report to the Home Department about incidents of snatching cattle on 21st November, 1998. However, he did not mention in this report about any activity of the Bajrang Dal. He only mentioned about Dara Singh being an active

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member of the Bajrang Dal. In one case, a statement was made by one Sushil Behera of a shop in the hat that several persons were wearing saffron coloured ribbons and were shouting "Jai Bajrang Dal" This statement was in relation to the Karanjia Police Station Case No.123/98. However, there is nothing in the case diary to support it, except the recovery of some saffron ribbon bands. The badges, however, did not carry any inscription of Bajrang Dal. He does not know about the holding of any jungle camp. Some Indian missionaries were working in Mayurbhanj. Staines was the only foreigner working as a missionary in the district. There was no report about conversions in the district of Mayurbhanj during his tenure.

B.B. Panda (W-22)

He was the Director General of Police, Orissa from 31st October, 1997 to 5th March, 1999. There was no SP or Addl.S.P. of Keonjhar at the time of the incident at Manoharpur. The DGP is normally not consulted while posting an SP. to a district. The post of SP, Keonjhar was vacant from 16th December, 1998 to 26th January, 1999 when Mr Ray joined as SP

There was no report regarding any anti-Christian activity in the State though there were intelligence reports about anti-Muslim activities of Dara Singh relating to the crimes committed by him in the districts of Mayurbhanj and Keonjhar. However, no card index of Dara Singh was

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maintained in the Special Branch, though it was something unusual. The Special Branch was under the charge of an Additional Director General of Police assisted by officers of various ranks. Panda reached Manoharpur around mid day of 23rd January, 1999. He talked to the villagers there to assure them of their safety and asked them to come out with the names of the persons who had committed the crime. The villagers did tell him a few names of the miscreants which he passed on to the investigating officer. However, he could not recollect any of the names or the name of the investigating officer to whom he had passed on the information. He had no occasion to see the plain paper FIR of the case. A report appearing in the New Indian Express dated 25th January, 1999 quoting him as saying that "over 50 people suspected to be activists of the Bajrang Dal and Vishwa Hindu Parishad were involved in the incident and so far 47 persons have been arrested" was contradicted by him. The contradiction, however, was not published in the newspaper. He did get occasional reports from the Crime Branch about the progress of the investigation as he was not having adequate time to look into the progress. The reason he gave was that two other cases were reported in the State relating to rape of a nun and murder of a Christian girl and boy which had raised hue and cry. These cases were ultimately found to be false. There was no political protection or motive or interference in so far as the Manoharpur incident was concerned and that was also not the cause for Dara Singh being not

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arrested. He gave his report dated 27th January, 1999 to the State Government on the incident making the following points

1. Mr. Staines was attending the Jungle Mela in Manoharpur for the last more than 20 years. Majority of the local Adivasi Christians had been converted to Christianity through his efforts. He was staying at Baripada for more than 30 years and used to visit Adivasi areas to treat patients and preach Christianity.

2. Dara Singh was the main culprit in the case. He had been organising Bajrang Dal activities in the areas of Anandpur Police Station of Keonjhar District, Karanjia and Thakurmunda Police Stations of Mayurbhanj District for the last more than 10 years.

3. Dara Singh was involved in a number of cases. A number of reports are available which would indicate that Dara Singh was an activist of the BJP and the Bajrang Dal.

4. In the case of Patna Police Station Case No.80 of 19th October, 1997 under Sections 147/148/149/ 379/294/506/341/342/323/427 IPC and Section 7 of Criminal Law Amendment Act, several BJP and Bajarang Dal activists were arrested along with Dara Singh. There was sharp reaction from the BJP as well as from the local Bajarang Dal on the arrests so made. About 500 supporters of BJP and Bajrang Dal on 27th October, 1997 came in procession from

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village Saunrapashi and shouted slogans against Police and District Administration and demanded release of the accused persons. This group was led by leaders of the BJP and the Bajrang Dal.

5. During the campaign for the parliamentary election, on 19th February, 1998, Dara Singh attacked and injured Bidyadhar Das, a Congress leader who alleged that Dara Singh and Chatura Mohanta of BJP attacked him.

6. 52 persons had been arrested in connection with the incident of Manoharpur and most of them were active supporters of the Bajrang Dal. Out of these, 32 were from Keonjhar and 17 from Mayurbhanj districts and they were arrested within 24 hours of the registration of the case. Efforts were on to nal ill the culprits of this ghastly murder.

7 Evidence was slowly but steadily emerging that the entire plan was engineered and executed by Dara Singh. The local Mahanta community supported him blindly

(On many points, the witness is not correct. Investigation has revealed that all the arrested persons mentioned in the report of the DGP were innocent and had been wrongly arrested)

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D.K. Mohapatra (W-21)

He was the Additional Director General of Police (Intelligence) when the crime at Manoharpur took place. Now, he is holding the post of Director General of Police. He speaks of the intelligence set up in the State and the functional relationship between the District Intelligence Bureau and the Special Branch of which he was the head. There are no intelligence gathering personnel at the village level, block level or at Tehsil level in the State. Intelligence is collected by officers in-charge of Police Stations which supplements the DIB. DIB Officers (DIBOs) are of the rank of Sub-Inspector. They submit their reports after due verification to the Superintendent of Police of the district who in turn sends the report to the Special Branch, to the DGP and to the Government with copies to Range DIG and Revenue Divisional Commissioners. DIBOs a· given training in collection of intelligence. They are trained by the Special Branch. There was no DIBO at Manoharpur at the relevant time. After 23rd January, 1999 he did examine the records maintained in the office of the Additional DGP (Intelligence). There were only a very few reports available on Dara Singh which indicated that he was involved in several criminal activities which were spread over four or five police stations in the District of Keonjhar and Mayurbhanj. He had no information about the jungle camps as it was a small local affair. He did not know about Staines or that he was running a Leprosy Home at Baripada. There was no adverse report against him. There was no report of any forcible conversions. There were, however,

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some reports about conversions in some part of the State. His further deposition is regarding posting of officers which will be considered separately

S.C. Bala (W-51)

He was the investigating officer of the Crime Branch and conducted investigation from 29th January, 1999 till he handed it over to the CBI on 23rd Sepcember, 1999. He recorded the statements of about 60 witnesses under Section 161 Cr.P.C. and two witnesses under Section 164 Cr.P.C. According to him, the motive for the crime appeared to be that "Non-Christian people were aggrieved on the ground that Christian Fathers/Missionaries are converting people to Christianity in a deceitful manner giving allurements"

Lok Nath Behra (W-52)

He is the Superintendent of Police (CBI) in charge of the investigation He started his investigation on 29th March, 1999. Investigation so far conducted revealed that the crime was perpetrated by Dara Singh as the principal conspirator. Motive for the crime can be pin-pointed only after the arrest of Dara Singh but the investigation so far conducted revealed that Dara Singh took his accomplices by stating "Let us go and assault the Christian missionaries who have come to Manoharpur as they are indulging in the conversion of innocent tribals to Christianity and are spoiling our religion and culture" He recorded the

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statement of 89 witnesses under Section 161 Cr.P.C. and one under Section 164 Cr.P.C. Investigation did not show that the five accused named in the FIR were party to the conspiracy to commit the crime. Investigation further showed that all the 51 persons arrested by the local Police and two of those arrested by the Crime Branch were innocent.

E. District Magistrates

Saurab Garg (W-23)

He is the District Magistrate of the District Keonjhar since 1st May, 1998. According to him, he had sent communications to the Govt. for appointment of a regular SP in the district After receiving a message dated 6th January, 1999 from the District Magistrate, Mayurbhanj, he asked for a detailed report about Dara Singh. According to him, Manoharpur falls under the Anandpur Sub Division which is not under the tribal sub plan. He also gave an overview of the health facilities in the district and stated that a tribal earns between Rs.30-35 per day. Those who are not employed and collected wood etc. from the forest earned between Rs.15-20 per day. Garg says that 80-85% of the population in the district lives below the poverty line.

R. Balakrishnan (W-20)

He is the District Magistrate of District Mayurbhanj since 27th April, 1998. According to him, after receiving information about the incident, he proceeded to Manoharpur and on the way he met Gilbert Venz and

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Shubhankar Ghosh who apprised him of the incident. During his meeting with the SP on 25th December, 1998, they discussed the activities of Dara Singh. He further states that they were keeping a close watch over the activities of Dara Singh. There was no anti Christian activities in the District of Mayurbhanj. He had not received any complaint of conversion to Christianity whether by coercion or inducement. According to him there were conversions to Christianity in the district. He states that Staines was a popular figure in Baripada. Staines met him on 18th January, 1999 but did not tell him that he was going to Manoharpur for the jungle camp.

F. Official Witness

Dr. N.K. Mohanty (W-32)

He is the HOD, forensic medicine of the SCB medical college, Cuttack. He proves the post mortem report marked as Ex 32/1, 32/2, 32/3.

B.C. Biswal (W-33)

He is the Scientific Officer, district forensic laboratory. He proves the spot map and the photographs taken by him of the spot. He however does not know about the watch which was taken from the spot by a team of MPs lead by Mr. Gurudas Das Gupta.

Sanjiv Dutta (W-47)

He is the Director of the FCRA and proves his report about the financial aspects of the Evangelical Missionary Society, Mayurbhanj (EMSM).

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G. Miscellaneous Offical Witnesses

Ajit Kumar Tripathy (W-49)

He is the Home Secretary of the State of Orissa and speaks about the transfer policy of Police Officers in the State.

H. Non Official Witnesses on the life and work of Graham Staines

Gladys June Staines (W-48)

She is an Australian national, presently residing at Baripada. She met Staines in 1981. Two years after they got married. EMSM is registered in Australia. Its work is confined to the Mayurbhanj District and also spread to the bordering district of Keonjhar EMS in Australia is only a governing body to support. Churches established in Mayurbhanj are independent. After the death of Staines she has not been formally appointed to look after the work of EMSM or the Leprosy Home though she is working in that capacity there. Mayurbhanj Leprosy Home is a society registered under the Societies Registration Act. Its income is exempt from payment of income tax under Section 80G of the Income-Tax Act There is no specific order under this Section as far as EMSM is concerned. An application has been filed seeking exemption but no orders have been passed The Leprosy Home is partially funded by EMSM. Activities of the EMSM and the Leprosy Home are inter-linked. The newsletter 'Tidings' was published in Australia, which carried despatches sent by Staines under the heading 'Graham and Gladys Staines' All the

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properties of EMSM now vest in the Evangelical Trust Association of North India, a registered body with its head office at New Delhi. There is some dispute regarding properties of the Trust with one Chittaranjan Samal. Staines used to look after the legal aspects. Staines never indicated to her about any threat or any apprehension of threat to his life. Jungle camps never caused any resentment among the local people. Jungle camps are for Christians. During this period, speakers are called from other places to give instructions on the Bible teaching, spiritual upliftment, moral teaching and teaching on health and hygiene. In an answer to a question as to whether there was any baptism or conversion during the jungle camp, her reply was that jungle camps are meant for Christians and for their upliftment. Then her attention was drawn to the report in the 'Tidings' wherein it had been mentioned that 100 persons had attended Ramachandrapur jungle camp and some were baptized. Her answer was that she was not aware of that. She is vaguely aware of the incident that happened at Baliposi camp, when the jungle camp broke midway. She did not know what the problem was which led to closing of the jungle camp earlier than scheduled. She had attended jungle camps along with her husband and children, last one she attended was in February 1998 in Palasbani village. She was asked if baptism was essential before a person could be called a Christian, her reply was that a person becomes a Christian in his heart. He realises that he is a sinner and seeks forgiveness for his sins from Lord Jesus Christ and then his life is changed

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because his sins have been forgiven. Baptism is only a sign of the change of heart. She is further asked if she was aware that there was conversion to Christianity in the Districts of Mayurbhanj and Keonjhar, she replied that she would not like to use the word 'conversion' She said she was aware that some people in Mayurbhanj and Keonjhar had chosen to follow the teachings of the Bible. Therefore, they are Christian. She said she could not say if there was a group that did not like conversions or the teachings of the Bible. Again, her attention was drawn to an issue of 'Tidings' wherein it was mentioned "We have been told that a militant Hindu group plans to concentrate on Mayurbhanj and Keonjhar Districts to turn Christians back to Hinduism" She was asked if that was a correct reporting. Her reply was that some of their Oriya friends told her that there was a report like that in an Oriya magazine which she did not herself see. She also could not say to which Hindu militant group reference was made in the newsletter.

Staines was not a Pastor. In churches in Mayurbhanj baptism is given by the local Pastor who has been appointed to lead the church. Staines never undertook baptism.

Leprosy patients basically recover by treatment and also by show of compassion and love. She was asked if faith has also something to do with recovery of a leprosy patient. Her reply was that the patient is recovered because of the treatment and love and affection shown by the

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people giving him treatment. It has nothing to do with the religion as such. She had heard of Dr. K.A. Paul. He tried to contact her either through letter or through someone. Personally she said she did not know Dr. Paul.

She said even till date she is unable to say as to what was the motive behind the killings of her husband and children. She contradicted Dr. Binod Kumar Das when he said that Staines had hatred towards other religion. Staines did not hate other religions. Though there is no bar for taking food in the houses of others on religious functions but "we do not take prasad because Bible forbids taking that'. She was also shown the burnt wrist watch which she identified as to be that of Staines.

Chaitanya Murmu (W-8)

He is the Pastor at Manoharpur Church and says that he had seen Staines several times between 1973 and 1980. He himself became a Christian in 1980. According to him Staines never visited his village or Church at the time of baptism.

John Mathai (W-30)

He is a linguist. He works for the Indian Evangelical Mission (IEM) with its headquarters at Bangalore. IEM is engaged in preaching the Gospel and if anybody accepts the Gospel and wants to come to the fold of Christianity he would come to the church leader and if the church leader considers that the person really wants to embrace Christianity, then after a few months baptism is given to him and only then that person becomes a

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Christian. IEM is doing preaching work in Thakurmunda area and also running a hostel for tribal girls at Rairangpur. IEM is also involved in the study of Ho language. He has translated some stories from the Bible into Ho language and now is trying to print those stories and distribute them amongst the people. IEM is also preparing for literacy work and to tell the people how to read and write in their own language and ultimately in Oriya language. There is no script in Ho language. The script is being borrowed from Oriya language with certain modifications.

After the death of Staines, the witness is a member of Leprosy Home Committee. The Leprosy Home is being run by EMSM. IEM and EMSM are not inter-linked but both are doing missionary work and helping each other. In 1996 for 8 months when Staines had gone to Australia on a long leave with his family he looked after the affairs of the Leprosy Home. The Leprosy Home is a society registered under the Societies Registration Act. EMSM is registered in Australia. Both the EMSM and the Leprosy Home are separate bodies. EMSM gives grant for running of the Leprosy Home. He is not aware how much fund is given by the EMSM to the Leprosy Home.

The Leprosy Mission of India is also helping the Leprosy Home. Leprosy Mission of India is located in Delhi and is a part of the International Leprosy Mission whose aim is to eradicate leprosy all over the world. Government of Orissa contributes Rs.13,000 annually to

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Leprosy Home. Baripada Municipality is also giving grant of Rs.1500/- per annum. There is no specific budget for EMSM or the Leprosy Home. Whenever any money is needed, funds are provided by the EMSM, Australia.

During his period two churches were established – one at Nangalkata and the other at Baghdapa, both under Mahuldia Police Station of Thakurmunda area. There are 20 or 25 churches established by EMSM in Mayurbhanj and Keonjhar Districts. He, however, could not say how many of these were established after Staines came to India. But some churches were in fact established after he came to India. Staines himself was not responsible for establishment of any church group in these areas. IEM holds only one jungle camp every year in Baliposi under Mahuldia Police Station. EMSM, however, holds many jungle camps in the areas of Mayurbhanj and Keonjhar. He attended one jungle camp organized by EMSM. Staines attended one jungle camp organized by IEM at Baliposi in February, 1998. As to what a jungle camp was about, he said: "Church leaders of EMSM would meet once in every three months at Raika under Bisoi Police-station and discuss and decide at what particular time and place jungle camp would be organized. In jungle camps, Christian teachings by speakers coming from outside (not from abroad) are given. Health education is also imparted. On rare occasions speakers from abroad also attend the jungle camp. Jungle camp is open to persons

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of all religion. Sometimes non-Christians also attend jungle camps. Holding of jungle camp is known to everybody in that particular area."

In February, 1998 during the jungle camp at Baliposi some youth from the neighbouring villages came and protested against holding of jungle camp. They threatened the local Christians and said they would come during the night and disturb the jungle camp. They were, however, unarmed. One boy was wearing a T-shirt with the words 'RSS' written on it. This fact he is telling for the first time before the Commission. Local Christians informed the police about the threat. Since general elections were around police officer of Mahuldia Police Station said he would not be able to provide any protection and suggested to stop the jungle camp, which was therefore closed one day earlier. There was no specific hostility exhibited by the villagers against the foreigners in the jungle camp. Since Christianity was spreading in Thakurmunda area that could be the reason for the hostility. A report in writing was given to the Mahuldia Police Station but he did not know what was written therein. He was, however, told that in the report it was written that when a jungle camp was going on some people from the neighbouring villages came and threatened the local Christians and stated that they would come in the night and disturb the jungle camp.

Staines had come to attend the jungle camp in February, 1998 in a jeep in which he slept. He used to arrange speakers and take the Bible

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studies. Sometimes he also used to translate from English to Oriya. He did not attend the jungle camp at Manoharpur since it was in a Santhal area while his activities were confined to Ho area. At no point of time the question of threat to jungle camp came up during his discussion with Staines. In jungle camps Christians did not voice any concern about any threat to them.

There was tension between Christians and non-Christians for the last seven years. In 1992 when he came to Mayurbhanj he attended a Sunday worship at Basantpur church, which is at a distance of about 4 kms. from Thakurmunda. His wife was with him at that time. Pradip Das with his family was also there. Local villagers came and asked them to stop praying. Pradip Das escaped on a motorcycle. He and his wife were stopped by those people and were not allowed to go. They were detained for about 45 minutes. Ultimately Pradip Das came with one Ward Member and on intervention they were allowed to go. No police report of this incident was lodged. There were about 15-20 persons who had come there with lathis with which they threatened. Since they were speaking in Oriya language he could not say what they were talking about. Since they did not harm them they did think it necessary to inform the police and that apart lodging of a complaint would only irritate the people more. He did not hear of any threat to Staines nor did he hear the name of Dara Singh earlier to the incident in question. He was asked if he could describe the motive which had led to the killings of Staines and his two children, he

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replied, "What I feel is that Christianity is spreading in that area. One reason to kill them might be to stop the spread of Christianity and those who had already become Christians would go back to their original religion. He was asked since, according to him, tension did exist between Christians and non-Christians and certain incidents did happen while holding of jungle camps, did he ever informed the police for escort for holding jungle camps or did he give any information to police for holding jungle camps. His reply was that tension was only in Thakurmunda area where they were having only one jungle camp every year.

The increase in the population of Christians in the area of Mayurbhanj and Keonjhar is on account of conversion. This conversion is, however, among Ho and Santhal people. "Conversion to Christianity is mostly confined to poor and illiterate people in the tribal areas. But there are educated people also in the tribal areas who have embraced Christianity. I cannot say if in any town or city any educated or well up person has embraced Christianity. There would be about 4-5 such educated persons in the tribal area who have embraced Christianity."

A pastor mainly looks after the church and church service. Evangelist is one, who goes to different places and preaches the Gospel. Missionaries are also like Evangelists.

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Binod Kishore Das (W-35)

He is a highly qualified doctor having taken an M.D. degree from a university in the United States. He has been living in Baripada all along. He was introduced to Staines in 1978. Earlier he used to visit Leprosy Home occasionally when Miss Elkon was in-charge. After Staines took over the charge of Leprosy Home he used to visit Leprosy Home once every week. Staines himself was not a qualified doctor. There are two paramedical staff looking after the leprosy patients. There are 80 to 90 patients in the Leprosy Home. They are mostly tribals from Mayurbhanj District. Leprosy is confined mostly to tribal people who live in a very unhygenic conditions and are under nourished. Leprosy is 100% curable. Rehabilitation of leprosy patients is the activity of Leprosy Home.

There is a Rotary Club in Baripada of which Staines was the International Director. The annual expenses of the Leprosy Home are around Rs.2.5 lakhs to 3.00 lakhs. State Government also gives annual grant of Rs.13,000/-. Though he is associated with the Leprosy Home for the last number of years, he did not know its affairs as Staines wanted to keep everything secret both of the Leprosy Home and the EMSM. Though Staines was a close friend, he never told him as to what was the jungle camp. But he had heard about the jungle camps. Staines kept all this a closely guarded secret. Staines had a great hatred for other religions. If there was a function in anybody's house, he would not eat there. Once Staines went to Australia on a long leave. He never entrusted him the

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work to look after the Leprosy Home. Staines was living a lavish life style. Though he would be simply dressed, he was having a modern gadgets in his house. Even for a minor disease he would go either to Jamshedpur or Calcutta.

Nehimia Tudu (W-43)

He is the pastor of the Raika Church and speaks about the various Churches run by the EMSM and their activities and the reasons for which people convert to Christianity. He became a Christian as he wanted to be rid of the fear of spirits. Champa Besra, a pastor in Mayurbhanj told him that if he believed in Lord Jesus, he would be free from the fear of spirits. He went to the house of Christians and they prayed for him, the fear disappeared. Staines had chosen him as a pastor. Staines used to attend jungle camps but never baptised though at times he used to attend the baptisation programme. The pastors of various Churches would decide the venue of the jungle camp and baptisation programme would be held. Thereafter they would consult Staines for arranging speakers for the said programme.

Pradeep Kumar Das (W-2)

He is a member of the Indian Evangelical Mission. Ralia Soren and others went to his house in Thakurmunda and informed him of the carnage. He in turn informed Mrs. Staines and the Collector and SP, Mayurbhanj. In his letter to the Commission marked as exhibit 2/1, he

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speaks about tensions in Thakurmuda between Christians and Non-Christians.

Shantanu Satpathy (W-4)

He is the long time friend of Graham Staines. They had been pen friends since 1956.

I. Other Non Official Witnesses

Umakant Naik (W-16)

He is the Chartered Accountant auditing the accounts of the Leprosy Home. He produced the accounts of the leprosy home.

Pratap Chandra Sarangi (W-50)

He is the State Co-ordinator of the Bajarang Dal for Orissa. According to his affidavit that Dara Singh is not a member of the Bajarang Dal. He condemns the killing and states that conversions and re-conversions is not on the agenda of the Bajarang Dal. No Counsel present and participating in the proceedings put any question to him on the question of the membership of Dara Singh with the Bajarang Dal.

Shankar Marandi(W-25)
Nishikanta Hembrem (W-37)
Madhusudhan Marandi (W-38)

These witnesses deny that they had threatened Ralia Soren when he was examined either by the RDC or by S.C. Bala, DSP (Crime Branch).

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Thakur Das Murmu (W-3)

He is the Sarpanch of the village Manoharpur. He denies having any hostility with Ralia Soren.

Sushil Kumar Aggarwal (W-27)

He is journalist in Karanjia. He had met Dara Singh in 1990-91. After that he had met him twice. He could recognise Dara Singh. He, however, could not recognise Dara Singh from the television programme "Aaj Ki Baat" Dara Singh was a party worker of the BJP in the Patna area in 1990-91 during the election campaign of Mr. Naik. He speaks about a meeting with the District Collector about Dara Singh. According to him he had given a description of Dara Singh to the police "Dara Singh is a man of thin build, of height of 5'8" long face, long nose, with a tilak on his forehead. He says that there was no tension between Christians and the Non-Christians in the Karanjia area There were conversions of Adivasis to Christianity in the two Districts of Keonjhar and Mayurbhanj mostly on health grounds. For the last five years, he is working for newspaper 'Samvad' Soniya Patnaik is the MD of 'Samvad' who was a congress M.P. in 1996 general elections and earlier to that he was a member of BJP

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J. Witnesses who speak about conversion and re-conversion

Chaitanya Murmu (W-8)

Speaks about conversions in Manoharpur. He is the pastor at the Manoharpur Church. He came into contact with Graham Staines during a display of slides in the year 1973. He maintains a register of persons following Christianity and who are members of this Church. According to him in the year 1980, he had a serious attack of fever and obtained medicines from the government dispensary. His fever was not cured in spite of taking medicines for 13 months. While in a dying condition, his wife called five members of the Christian community who prayed for his betterment. Thereafter he continued to take same medicines and was cured. And hence, started believing in Christianity. According to him, Mr. Staines never visited his village or Church during any baptism. He says that one Nimai Hansda, a cultivator of Manoharpur became a Christian as he was suffering from fever. According to him, there was no ill-will between Christians and Non-Christians because of conversions and there was no programme of mass conversions in the jungle camp or around that time.

Paul Murmu (W-11)

According to him, Mr Staines was attending marriage ceremonies and baptism ceremonies of Christian families. Whenever Staines could not go for such ceremonies, he would ask him to go for the same. It was at the

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invitation of the community and the families that they used to go baptism or marriage ceremonies. He used to intimate Staines about the programme and Staines used to allow them the vehicles for that purpose. He cannot ascribe any reason as to why Staines was killed and says he was such a noble person.

John Mathai (W-30)

He is a linguist working with in the Evangelical Mission which is engaged in preaching the gospel. According to him, anybody who wants to come to the fold of Christianity would come to the Church leader and if he considers that the person really wants to embrace Christianity, baptism is given to him after a few months. He is engaged in preaching in Thakurmunda area and also in the study of the Ho language. He is a member of the leprosy home committee which is run by the EMSM. Although there is no relationship between the EMSM and the IEM. He was running the leprosy home during Graham Staines absen in 1996. On Staines' instructions, he would write to the EMSM for funds as and when they were required. They were transferred through a Calcutta bank. The leprosy mission of India and the Government of Orissa contribute to the leprosy home. The Govt. of Orissa contributes Rs.13000.00 annually and the Baripada Municipality gives Rs.1500.00 As far as the EMSM is concerned, there is no budget for the leprosy home and whenever money is needed, funds are transferred from the EMSM. The IEM has established two Churches, one at Nangalketa and Baghdapa in the last seven years.

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The IEM holds one jungle camp at Balliposi. The EMSM holds many jungle camps at Mauyrbhanj and Keonjhar districts. In jungle camps, Christian teaching is given by speakers. Health education is also imparted. Some times, speakers from abroad also attend jungle camps. There was some tension in the Baliposi jungle camp in 1998 and it had to be closed as the police said they could not provide any protection because of elections. Staines had attended the said camp. On the motive behind the hostility in the jungle camp, he said it was because Christianity was spreading in the area (by area he meant Thakurmunda). Jungle Camps were being held by the EMSM at Manoharpur, Raika, Sarat, Ramchandarpur and Balaspani, which are tribal dominated areas. On being asked, as to why these areas were specifically targeted, he said that since Churches were already there, the Churches wanted the jungle camps to be held there. Staines used to arrange speakers to speak in the jungle camps and take bible studies. He also used to translate from English to Oriya. The EMSM was involved In Leprosy Home work and was also supporting Staines in his mission to encourage Christianity at different places. By encourage he meant that if any people need Bible teaching, Staines would arrange some one for the purpose. He would also give suggestions to the problems of the local Church leaders. On being asked whether people suffering from leprosy would come to a jungle camp, he replied that Christian people would bring persons having signs of leprosy to the camp and Staines would examine them and if he felt it

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was a case of leprosy, they would be directed to come to Baripada. According to him there have tensions between Christians and non-Christians for the last seven years and he speaks about an incident at Basantpur Church near Thakurmunda where local villagers had asked him to stop praying. He does not know of any threat to Mr. Staines but feels that because Christianity is spreading one reason to kill Staines and his two children might be to stop the spread of Christianity and so that those who had become Christian would go back to their original religions. He does not think Graham Staines was responsible for the establishment of any Church Group in Mayurbhanj and Keonjhar. Conversion to Christianity is mostly confined to poor and illiterate people in Mayurbhanj and Keonjhar. After a person becomes a Christian, no support is given to him by the Church.

Nehimia Tudu (W-43)

Speaks about the various Churches run by the EMSM and their activities and the reasons for which people convert to Christianity. He became a Christian as he wanted to be rid of the fear of spirits. Champa Bisra, a pastor in Mayurbhanj told him that if he believed in Lord Jesus, he would be free from the fear of spirits. He went to a house Christians and they prayed for him, the fear disappear. Staines had chosen him as a Pastor. Staines used to attend jungle camps but never baptised though at times he used to attend the baptisation programme. He also speaks about tension between Christians and Non-Christians in Raika and says that in

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the last four years, some outside boys including one Mahadev Sethi belonging to the RSS have influenced the people and tension has developed. Mahadev Sethi told him that he belongs to the RSS and he did so, so that he could threaten him. On the question of the motive behind of the killing of Staines, he says that it was because Christians were not contributing to village sacrifices and they thought that Staines was the main person behind it and if he would be killed, there would be no more Christians. He also speaks about 107 Cr.PC proceedings in his village between Christians and non-Christians.

Manika Gagrai (W-45)

Speaks about re-conversion and says that he was suffering from fever and on the advise of one Shankai Marandi, he converted to Christianity so that he could be cured. However his health worsened and he developed tuberculosis and blood pressure. As none of the Christians helped him and since he was not cured, he re-converted to Hinduism. Neither did Hindus express displeasure when he converted to Christianity nor did the Christians express displeasure when he was converted back to Hinduism.

From the examination of the statements of witnesses and the case diaries it appears to the Commission that there are four principal perpetrators of the crime headed by Dara Singh. They being Dara Singh, Andha Naik, Dipu Das and Mahendra Hembram.

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GRAHAM STEWART STAINES : HIS BACKGROUND

Graham Stewart Staines was born in Palmwoods, Queensland, Australia. His tryst with Mayurbhanj in the State of Orissa began in the year 1956 when he started corresponding with his pen friend Shantanu Satpathy who lived in Baripada. They used to correspond about flora and fauna of their respective countries. In 1965 Staines visited India for the first time. At the age of fifteen Staines, while still in Australia, saw the photograph of a Mayurbhanj boy Josia Soren of approximately his age with severe leprosy This motivated Staines to come to India and work for leprosy patients.. Gladys June Staines his wife met him in 1981 while she was visiting India. Gladys says that he impressed her by his love for the people with whom he associated as well as leprosy patients. They were married in 1983. During their fifteen years of marriage their daughter Esther and their two sons Philip and Timothy were born Gladys states in her affidavit that the children being raised in India considered India as their home. She describes Staines as a person who was faithful in whatever he did, whether it was serving leprosy patients, doing accounts, involving himself in the service of the Rotary club or caring for animals. She describes him as a loving and faithful husband and a father who was never too busy for his family Gladys in her evidence says that Graham Staines told her that when he saw the photograph (that of Josia Soren) he was filled with sorrow and compassion for those suffering from leprosy. Because of his love for God, he decided to serve leprosy patients. She

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further states that he was a brilliant student gaining A's in all subjects in his board exams. In order to support his family he worked in the office of a local garage in Queensland during the day and learned accountancy at night school.

Staines joined the Evangelical Missionary Society of Mayurbhanj (EMSM) and started his work in 1965. He first worked at Rairangpur in District Mayurbhanj and later shifted to Baripada (District Headquarters of Mayurbhanj) in 1983 Staines was essentially taking care of the Leprosy Home at Baripada but was also visiting churches on the invitation from local pastors where he took classes from the Bible and also classes in moral teaching. John Mathai, an evangelist with the Indian Evangelical Mission and a member of the Board of the Leprosy Home, says that Staines used to arrange speakers and take Bible studies in jungle camps. Jungle camps as described by Gladys Staines are camps for Christians wherein people are given instructions in Bible teaching, spiritual upliftment, moral teaching and teaching on health and hygiene. Staines was fluent in Oriya, Santhali and Ho languages. In fact, Staines assisted in translating a part of the Bible into the Ho language. In his application for residence permit in India Staines describes himself as "a person involved in Missionary work and his work with the Mayurbhanj Leprosy Home and Rajabasa Leprosy Rehabilitation Farm". He also states in the said form that "he preaches the Gospel as and when time permits" Under the head "profession or present occupation" in the application form he states

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"missionary trained in carpentry metal work and motor mechanics, clerk trained in accountancy In his application for extension of stay in India, he states that "he wishes to stay for missionary work including work with the Mayurbhanj Leprosy Home and the Rajabasa rehabilitation farm"

The EMSM to which Staines belonged was established in 1895 at the instance of the then the Maharaja of Mayurbhanj. It was first run by one Miss Kate Allenby Staines took over the running of the Mission at Baripada only in 1983. Gladys in her evidence clarified that the Mayurbhanj Leprosy Home is a society registered under the Societies Registration Act, whereas the EMSM is a society registered in Australia. The EMSM in Australia is only a governing body for support. The Mayurbhanj Leprosy Home was registered as a society in 1982 and before that it was a part of the EMSM. A scrutiny of the accounts of the Leprosy Home was made by the Investigating Team and Sanjiv Dutta, Director FCRA was also examined. The accounts appear to have been maintained properly and nothing adverse has come to the notice of the Commission.

Staines was by all accounts a popular figure in Baripada and involved mainly with Leprosy Home and leprosy related work. Balakrishnan, the District Collector of Mayurbhanj, speaks about Staines' popularity in Baripada Gladys says that he had a good rapport with the people of the town especially because he spoke the local language. She said that people suffering from diseases and snakebite used to come to

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their home in Baripada and they used to take them for treatment and these villagers would stay in the mission house. His popularity could be gauged from the massive turnout at his funeral at Baripada. Dr. Binod Das, the honorary Doctor in the leprosy home however felt that he was secretive about his going for the jungle camp at Manoharpur and as the honorary superintendent of the Leprosy Home, he maintained all accounts himself. Dr Das also says that Staines had a deep hatred for other religions and would not eat during the religious functions of other religions. However Gladys Staines strongly contradicted this and said it was wrong and that they used to attend religious functions of other religions. She said that they however would not eat 'Prasad' (religious offering) as it was against the Bible to do so In one of his despatches to 'Tidings', Staines, however, described "Sanathan Dharma' as an animist sect.

The Leprosy Home as described by Galdys Staines provides not only treatment to leprosy patients but also provides rehabilitation training in making sabai grass products and in hand weaving. It also has its own dairy farm. Staines had successfully worked to ensure that the stigma of leprosy is eradicated and this is evident from the fact that number of people are purchasing milk from the dairy of the Leprosy Home. The patients are also taught self-reliance and almost all the work in the farm is done by the patients themselves. Staines was also actively involved in the local Rotary Club and participated in their pulse polio and Hepatitis 'B' vaccination programme He was hoping to get a referral hospital for

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;prosy patients as presently patients have to go outside the State for ›constructive surgery.

Besides his involvement with Leprosy Home, Staines was also ıvolved in missionary work. The missionary work of Staines has come to ght from the various despatches sent by him to Australia, which is ›ublished in a newsletter 'Tidings' Staines also used to take part in ›aptism ceremonies although he may not have necessarily carried out the ›aptism himself. Paul Murmu says that Staines attended baptism ›eremonies and marriage ceremonies of Christian families whenever he was available. However, it is the despatches sent by Staines to Australia n the newsletter 'Tidings' that make it clear that Staines was also involved n active propagation of his religion apart from his social work. It is also clear from the said despatches that conversions were taking place in jungle camps. The missionary work of Staines obviously included organizing and conducting jungle camps, translating the Bible in tribal languages, preaching of the Bible to the tribals. It is obvious therefore that Staines was both a social worker engaged in the treatment and eradication of leprosy amongst the poorest of the poor and also a missionary driven by a deep commitment to his religion and the belief that he should spread its tenets amongst the people in the area. His missionary activities did lead to conversions of tribals to his faith.

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In her affidavit before the Commission on the death of her husband and two sons Gladys Staines says:

> "The Lord God is always with me to guide me and help me to try to accomplish the work of Graham, but I sometimes wonder why Graham was killed and also what made his assassins to behave in such a brutal manner on the night of 22nd/23rd January, 1999.
>
> It is far from my mind to punish the persons who were responsible for the death of my husband Graham and my two children. But it is my desire and hope that they would repent and would be reformed."

The Pioneer Newspaper quotes her interview given to Doordarshan as under

> "**BARIPADA**. The widow of G.S. Staines has said the perpetrators of the crime should be forgiven as it was the Almighty who had drawn the life span of her husband "God gives children. He gives them life. He gives and takes. I am grateful to god for giving him (Staines) this long a life to serve people," Gladys Staines told DD. "We cannot demand a longer life from the God than what He has decided for each of us, she said. Mrs. Staines was a picture of poise as she stood yards away from the verandah where three coffins had been lined up. Her resilience seemed to have passed on to her 13-year-old daughter Easther who stayed by her mother's side ever since the killing. Women mourners seeking to console her broke into sobs every now and then. "I've no hatred for anyone. I've no anger Mrs. Staines responded."

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DARA SINGH, HIS ANTECEDENTS AND ASSOCIATIONS/AFFILIATIONS

Dara Singh alias Rabindra Kumar Pal is the son of Mihilal Pal of village Kokara P.S., Dibyapua, Distt. Itawa U.P Dara Singh came to Orissa along with his friend Chitaranjan Das @ Bapu who is the brother of Dipu Das. Initially he helped in the household of Rama Das, the father of Bapu and Dipu and assisted him in his grocery business. He later taught Hindi in the Maliposi school as a teacher Subsequently he lost the job as it was temporary He then stayed in the house of one Kali Mohanta of Banbir

The name Dara Singh is, however, known in the police records. Prior to this incident, he was involved in 10 criminal cases and one non FIR case under section 110 Cr. P.C. There are six cases registered against him in the District of Keonjhar and one non FIR case apart from the Manoharpur case i.e. Anandpur P S case no. 9/99. In the District of Mayurbhanj four cases were registered against Dara Singh. A summary of the various cases in which Dara Singh was involved is given herein below:

KEONJHAR CASES

1. FIR no. 79 of 97 under sections 192 of the Motor Vehicles Act and Section 11 (I) of the prevention of cruelty to Animals Act.

The complainant in this case is one Biranchi Kumar Mohanta against the driver of truck bearing no OR-04 9275. The complainant

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alleged that in all there were 36 cows out of which 9 were on the cabin and 27 were in the body of the truck. A scuffle arose on account of the fact that the complainant and his associates obstructed the vehicle and the driver resisted them and also could not show them necessary papers for the transportation of cows. A case was registered as FIR No. 79/97 u/s 506 IPC and 11(1) Prevention of Cruelty to Animals Act and section 192 MV Act, Patna PS, on the complaint of Biranchi Kumar Mohanta, r/o Kuaposi village, Patna PS In his complaint, he claimed himself as a worker of Bajarang Dal and stated that he along with his other party workers, Rabindra Kumar Pal @ Dara Singh of Maliposi, Mohan Sunder Mohanta of Badjambosi village and Krushna Chandra Mohanta of Kothaghar, after receiving information that a truck carrying cattle was to come to Mangalpur crossing, went there and detained the truck. While they asked the driver about the destination and the number of cattle, the vehicle driver threatened to assault them with a crowbar. He also threatened them with dire consequences. As he and other workers had seen that 36 cattle heads were in the truck, he lodged a report with the police. During the investigation of the case FIR no. 79/97, driver Sk. Mantu was arrested and charge-sheet no. 94 dated 13th December, 1997 was submitted to the Court.

Though this is not a case where Dara Singh was involved, it is added here as it is a cross case of FIR 80 /97 Patna PS ,the facts of which are narrated hereinafter.

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2. **FIR no. 80/97 u/s 147/148/341/323/325/342/427/506/ 294/379/149 IPC r/w 7 Crl. Law Amendment Act, dated 19th October, 1997, Patna PS, Keonjar District**

1. On 19th October, 1997, at about 4 am, while the complainant, Sk. Mantu, s/o Muhiuddin of Binjarpur village, Sayadpur PO, Jaipur district, driver of truck no. OR-04 9275, was going to Jasipur, with a load of 36 number of cattle, near Mangalpur village, 15 to 20 persons, armed with axe, lathi, iron rods, crowbars, obstructed the road and stopped the truck. They abused him and other helpers in the truck. They assaulted them with lathis and caused injuries on them. The assailants took away the cattle and Rs. 2640.00 from his pocket. They partially damaged the truck and cut the truck tyres and made holes in the fuel tank by means of an axe and crowbar. On his report, the case was registered and investigated.

2. During the investigation of case FIR No. 80/97 though the accused persons were not named in FIR, but Biranchi Kumar Mohanta and Naba Kishore Mohanta, being the complainants of the cross case, were arrested along with two others on 19th October, 1997 On their disclosure, the involvement of Rabindra Kumar Pal @ Dara Singh was also established. In all 6 accused persons, including Dara Singh, were arrested and 7 others were shown as absconders. Dara Singh was arrested on 10th November 1997 in case FIR no. 83/97 Patna PS Keonjhar distt. and arrested in this

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case also on the same day. After investigation, the charge-sheet No. 93 dated 13th December, 1997 was submitted to the Court.

3. FIR no. 83/97 u/s 392 IPC dated 9th November, 1997, Patna PS, Keonjhar District

1. The complainant, Ramesh Chandra Giri, s/o Jogi Giri, r/o Erendei village, Patna PS, Keonjhar District, lodged a report with the police that on 7th November, 1997 he and one Duryodhan were returning to his village with 17 nos. of cattle, purchased by him and some other persons from Harchanderpur weekly market. At about 2.30 P.M., at Rajabanda, near Kumudbahali village, they were intercepted by Dara Singh and Mahender Bej of Maliposi village. The interceptors restrained them alleging that the complainant was taking the cattle for sale to Muslims and they would not allow him to do so. They also threatened to kill them if he took the cattle along with him. Dara Singh and his accomplice brandished lathis and bhujalis and took away the cattle from the complainant forcibly. They demanded Rs.700.00 for release of the cattle. The complainant has named Dara Singh and Mahendra Kumar Bej as accused in the FIR. On this report, the above case was registered and investigated.

2. During investigation, the accused Dara Singh @ Rabindra Kumar Pal was arrested and Mahender Bej was shown as absconder and

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charge-sheet No.2 dated 13th January, 1998 was submitted to the Court.

3. Later on Rabindra Kumar Pal @ Dara Singh was released on bail by the Court both the cases (FIR Nos. 80/97 and 83/97 on 27th November, 1997

4. Non-FIR-96 u/s 110 Cr PC dated 11th November, 1997, Patna PS, Keonjhar District

1. After arresting Dara Singh in case FIR no. 80/97 and 83/97 and taking into consideration of the anti-social activities of Dara Singh, the Officer in-charge of Patna PS, Mr Dandasena, prepared a non-FIR case u/s 110 Cr PC against Rabindra Kumar Pal @ Dara Singh.

2. Later on Rabindra Kumar Pal @ Dara Singh was released on bail by the Court in both the cases (FIR Nos. 80/97 and 83/97) on 27th November, 1997

5. FIR No. 19/98 u/s 341/323/307/427/34 IPC dated 19th February, 1898 Patna PS, Keonjhar District

1. The complainant, Sri Bidyadhar Das, Chairman, Patna Panchayat Samiti, r/o Swam Patna, Patna PS, Keonjhar District (Congress-I leader), reported that while he, along with two other persons, was coming in a trekker no. OR-06 2801 on 19th February, 1998 at

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about 11.00 a.m., Dara Singh and Chaturbhuja Mohanta of Kunthapada obstructed his vehicle by putting big stones on the road. Both the assailants, armed with lathis, bhujalis and stones, attempted to kill him. They pelted stones, as a result of which the window glasses were damaged. They assaulted his driver and he also sustained injury on his left hand. The assailants abused him and threatened to kill him. He also reported that both of them are of BJP activists and had assaulted them on the instigation of Kirtan Behari Sahu and other BJP leaders. On this report the above case was registered.

2. During investigation, Chaturbhuja Mohanta was arrested. In his disclosure it was recorded that he, along with Dara Singh, intercepted the cattle traders and detained the cattle in the name of Bajarang Dal and BJP in Thakurmuna, Mohuldiha PS of Mayurbhanj District and Patna PS of Keonjhar District.

3. The charge-sheet No. 83 dated 12th October, 1998 was submitted to the Court. Dara Singh was shown as an absconder.

6. <u>FIR No. 16/98 u/s 294/353/448/379/34 IPC dated 6th March, 1998 Ghatgaon PS, Keonjhar District</u>

1. Nilambar Behera, forest guard, Tando Beat, Ghatgaon PS reported that on 5th March, 1998 at about 8.30 pm, Dara Singh, Govinda Naik of Badmahuldiha and Pratap Mohakud of Pichhulabeda, along

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with 20-25 persons, came to his house, abused him in filthy language, obstructed him from the discharge of his official duties and forcibly took away the seized cycles. On his report, the above case was registered.

2. During investigation, the accused persons Govinda Naik and Pratap Mohakud surrendered in Court.

3. The accused persons, Govinda Naik and Pratap Mohakud were formally arrested and Dara Singh was shown as absconder. After collecting evidence the charge-sheet No. 32 dated 15th June, 1998 was submitted to the Court.

7. <u>FIR No.46/98 u/s 47/148/294/323/506/379/149 IPC turned to 395 IPC dated 16th March, 1998, Sadar PS, Keojhar District.</u>

1. The complainant, Haguru Gadsara, s/o Ranga Gadsara, r/o Rangamatia village, Rairangpur PS, Mayurbhanj District, stated that on 16th March, 1999 at about 2 pm, while he and other cattle traders, were coming along with 32 bullocks and 2 cows, they were intercepted by 13 persons, armed with lathis near Belda Ghat. They assaulted him and others with lathis and abused them in filthy language. The assailants were having vermilion on their foreheads and identified themselves as BJP boys. They threatened to kill them if they carry cattle. They forcibly took away the cattle and

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snatched Rs.700.00. On his report, the above case was registered and taken up for investigation.

2. During investigation, 12 persons were arrested and 3 persons, including Dara Singh were shown as absconders. The case is still pending investigation.

8. FIR No. 1/99 u/s 395 IPC dated 5th January, 1999 Patna PS, Keonjhar District

1. The complainant Sk. Naseem s/o Sk. Siddiqui r/o Mandua, Karanjia PS, Mayurbhanj District, reported that he sells readymade clothes in weekly markets. On 5th January, 1999, when he was coming back in his moped, carrying a bundle of clothes, at about 6.30 P.M., he was intercepted by 3-4 persons, near the jungle on Kamarmara Road. They assaulted him with a wooden plank. They forcibly took away his clothes bundle and Rs.2500.00 cash. One of the assailants seemed to be Dara Singh and others seemed to belong to Bajarang Dal. He knew Dara Singh, as he came to his shop in the Dhamuhuda hat at 2 p.m. on the same day along with some others and watched him.

2. During investigation, one accused, Narender Mahanta of Jamaleibeda, Ghatgaon PS was arrested. Involvement of Dara Singh was established though he could not be arrested. Witnesses Kote Mahanta and Rabi Mahanta have stated that they heard one

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of the accused calling the others by name and asking them to run away as others were coming The case is still pending investigation..

MAYURBHANJ DISTRICT

1. FIR No. 34/98 u/s 341/323/379/427/148/149 IPC dated 28th June, 1998 Thakurmunda PS, Mayurbhanj District

1 The complainant, Sk Mantu s/o Maizuddin r/o Aswureswar village, Salepur PS, Cuttack District, driver of truck No. OR-04 9275, reported that while he and his helpers were coming from Salepur to Jashipur in his truck, loaded with cattle on 28th June, 1998 at about 7.00 a.m. their truck was intercepted by a group of 10-12 persons, by putting wooden logs on the Karanjia road, at a distance of 9 Kms. from Thakurmunda. They were armed with lathis, bows, arrows and crowbars. They all assaulted him and his helpers with lathis. The miscreants damaged the truck and the fuel tank was pierced with a crowbar. They also took away the cattle, his driving licence, documents of the vehicle and cash Rs.1500.00. On his report, the above case was registered and taken-up for investigation. During the examination of witnesses, it was learnt that the leader of the group was wearing Punjabi kurta and vermilion on his forehead.

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2. Although the FIR was against unknown persons, during the investigation, the involvement of Dara Singh and others was established.

3. After investigation, the charge-sheet no. 38 dated 4th September, 1998 was submitted to the Court, showing five accused persons, including Dara Singh as absconders. In the meanwhile three accused have been arrested but Dara Singh remains an absconder

2. FIR No. 91/98 u/s 147/148/149/341/435 IPC dated 16.8.98 Karanjia PS, Mayurbhanj District.

1. The complainant, Sk. Nazar, s/o Sk. Bhikari r/o Baujang village, Balichandrapur PS, Jaipur District, driver of truck No.OR-04 9275, reported on 16th August, 1998, that while he was coming with the cattle in his truck from Chanoikol to Jashipur on Thakurmunda-Karanjia road near Kendumundi crossing at about 8 am, a group of persons armed with lathis, bows, arrows, obstructed the truck by putting logs and stones on the road. When the truck was forcibly stopped, he and his helpers fled away from the spot out of fear. The assailants set fire to the truck and decamped with the cattle. They also took away cash of Rs.4000.00 from the cabin.

2. During investigation, the examination of witnesses established the involvement of Dara Singh and his associates in this case. Five

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accused persons, including Chaturbhuja Mohanta, were arrested. In his interrogation Chaturbhuja Mohanta stated that Dara Singh was involved in this case and he was moving from village to village in Patna and Turumunga areas and claiming himself to be leader of Bajarang Dal.

3. The case is still pending investigation.

3. **FIR no, 24/98 u/s 147/148/435/307/149 IPC turned to 396/412 IPC dated 15th September, 1998 Mahuldiha PS, Mayurbhanj District**

1. The complainant, Modin Mohamad, s/o Kayum Mohamad, r/o Nuagopalpur village, Balanga PS, Puri district, reported that on 14th September, 1998, he was coming from Niali to Jashipur, alongwith his helpers Sk. Imam and others in his cattle loaded truck No. WB 11 9869. At about 3.00 a.m. in the night 14th/15th, september,1998, near Gadabhanga Ghat on Anandpur-Karanjia road, the vehicle was stopped, as a tree was placed on the road to block the movement of the vehicle. When he stopped the truck, a group of 20 to 30 persons, armed with bows and arrows, surrounded the vehicle. They pelted stones and shot arrows on the vehicle. The miscreants assaulted the driver and his helpers with lathis, etc. They forcibly took away the cattle and set the truck on fire with the diesel taken from the diesel tank. On his report the above cases was registered and investigated.

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2. During investigation the involvement of Dara Singh and his associates was established in the case. 11 accused persons were arrested. The disclosure of the accused persons also established the involvement of Dara Singh in the case.

3. After investigation, charge-sheet no. 1 dated 16th February, 1999 was submitted in the Court against 14 accused persons. 11 persons were arrested and 3 others, including Dara Singh, were shown as absconders.

4. <u>FIR No. 123/87 u/s 395 IPC dated 15th November, 1998 Karanjia PS, Mayurbhanj District.</u>

1. The complainant, Haji Mirza Nizam Baig s/o Late Mirza, Maniur Rahaman Baig r/o Ward no. 5 of NAC Karanjia, Karanjia PS, Mayurbhanj District, in his report, stated that he sells woollen garments in local weekly markets. On 15th November, 1998, he had opened a shop at Kendumundi hat. Around 3.00 p.m., about 100-150 persons, armed with lathies, bhujalis, etc. surrounded his shop and abused him. At the point of bhujali, the miscreants looted his shop and decamped with woolen clothes worth RS. 85000.00 and Rs. 10000.00 in cash.

2. During the investigation, many witnesses were examined. The witnesses stated that the miscreants shouted slogans "Jai Bajrang

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Bali" and one of them was called "Dara Singh Bhai" He was wearing churidar punjabi kurta, having a whistle and supporting vermilion on his forehead. The assailants were wearing saffron ribbons on their foreheads. On the same day, 4 accused persons were arrested and yellow ribbons were recovered. They disclosed the involvement of Dara Singh and his association with Bajarang Dal.

3. After completing the investigation, chargé-sheet no. 20 dated 12th February, 1999 was submitted against 22 persons. 12 persons were arrested and 10 others including Dara Singh were declared as absconders.

The records produced before this Commission including case diaries and Intelligence Reports indicate that Dara Singh was arrested in Patna P.S. case 80 dated 19th October, 1997 and 83 dated 9th November, 1997 On 11th November, 1997 He was however enlarged on bail on 27th November, 1997 by the SDJM, Keonjhar. It is interesting to note however that the administration has moved for the cancellation of his bail only on 16th April, 1999. Dara Singh however remains an absconder in Patna P.S. case no. 90 dated 19th February, 1998 He has also not been arrested in Ghatgaon P.S.case No. 16 dated 9th March, 1998, Sadar P.S. case No. 46 dated 16th March, 199898 and Patna P.S. case No. 1 dated 5th January, 1999.

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In the Mayurbhanj cases, Dara Singh is yet to be arrested in any of the cases registered against him.

The District Administration in the District of Mayurbhanj and Keonjhar had adequate intelligence of the movements and activities of Dara Singh. The State Administration was also made aware of the growing menace that he was becoming in the two districts. The following table will indicate the various documents produced before the Commission which show that the Government was well aware of his activities and the kind of threat that he posed.

DOCUMENTS PRODUCED BEFORE THE COMMISSION BY THE STATE GOVERNMENT PERTAINING TO DARA SINGH AND HIS ACTIVITIES

EXHIBIT NO.	DOCUMENT
Exhibit 12/2	Letter dated 21.11.98 from SP Mayurbhanj to Special IG (Admn) referring to the activities of Dara Singh.
Exhibit 13/2	Letter dated 11.1.99 from SP Keonjhar to DIG (Admn.) regarding the involvement of Dara Singh in various crimes.
Exhibit 14/5 (a)	From DIB Keonjhar to SP Keonjhar regarding the activities of Dara Singh.
Exhibit 14/5 (b)	Report of the OIC Turumunga dated 7 10.96 to the SP Keonjhar on the activities of Dara Singh and his associates.
Exhibit 14/6	Cipher message dated 6.1.99 from the SP and DM Mayurbhanj to the SP and DM Keonjhar regarding Dara Singh.
Exhibit 14/7	Cipher message dated 16.1.99 from the SP and DM Mayurbhanj to the SP and DM Keonjhar, reiterating the need to arrest Dara Singh.
Exhibit 14/8	Cipher message dated 17 1.99 from the DM and SP Keonjhar to the DM and SP Mayurbhanj regarding the movements of Dara Singh in Thakurmunda area.

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Exhibit 18/3 A	Letter dated 7 12.97 from the SP Keonjhar to the Under Secretary Home regarding inter-alia the activities of Dara Singh.
Exhibit 19/20 & 19/20 (a-d)	Being the report dated 9.1.99 from SK Mohanty CI Sadar, Keonjhar Distt. The report gives a complete list of the cases against Dara Singh.
Exhibit 19/21	Letter dated 8.10.96 from DIB Keonjhar to SP Keonjhar.
Exhibit 19/22	Letter from the DIB, Keonjhar to SP, Keonjhar.
Exhibit 21/3 & 21/3 A	DIB Keonjhar reports dated 8.10.96 regarding the activities of Dara Singh.
Exhibit 21/4 A	Copy of the Special Branch report dated 25.11.98 regarding the activities of Dara Singh.
Exhibit 23/5	Letter dated 11 1.99 from acting SP Keonjhar to DM Keonjhar enclosing the report of CI Sadar.
Exhibit 24/3	Letter from IIC Karanjia to SP Mayurbhanj dated 24/3.

It is, therefore, obvious that on a reading of the evidence both oral and documentary before this Commission that Dara Singh was involved in a number of crimes in the districts of Mayurbhanj and Keonjhar. Six cases were pending against him in Keonjhar district and four in Mayurbhanj district. One non FIR case were also pending. There was also a proposal to detain him under the National Security Act. Several intelligence reports have also detailed his activities and emphasised the urgent need to arrest him. The only inference that can be reasonably drawn in these circumstances is that if the police and the district administration had got their act together and arrested Dara Singh things would have been different. They have allowed a criminal to feel that he is invincible and there has been a total breakdown of the law enforcement agency in the districts. The carnage at Manoharpur was an avoidable tragedy and its cause can be attributed largely to the unchecked growth of Dara Singh.

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Till the Manoharpur incident in question the district administration or the police did not have any clear record of the identity of Dara Singh. Raids to nab him were merely a make-belief exercise. Because of the ineptitude of the administration and the police, the crime graph of Dara Singh went soaring high.

It is now necessary to see what the affiliations or association of Dara Singh were The oral and documentary evidence before this Commission which indicate some association of Dara Singh with an organisation or organisations are being reduced to a table given herein below

NAME OF THE ORGANISATION	ORAL EVIDENCE
1 BAJRANG DAL	A. Santosh Uphadyaya (W-12) says "It was found that Dara Singh was a supporter of the Bajrang Dal" He further states that "investigation of the Mahuldia case shows that Dara Singh was a member of the Bajrang Dal" He also states that "I found Bajrang Dal activists were indulging in snatching cattle"
	B. Jogendra Patnaik –(W-18.) says "I had prior knowledge of Dara Singh's association with the Bajrang Dal" he further states "I have seen records with the DIB about Dara Singh's association with the Bajrang Dal"
	C. M.K.Dwivedi (W-19) He states in para 29 of his affidavit that Dara Singh and his associates have been associated with the Bajrang Dal/BJP This contention is based on evidence in Patna Police station case 79/97 memorandum dated 27 10.97 and DIB reports (Ext.19/21-26)

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	D. D.K.Mohapatra (W 21) Dara Singh appears to be a supporter or fellow traveller of the Bajrang Dal or even of the BJP but not a die hard or card holder or activist of these organizations
	E. Pradeep Kapur (W 24) states that Weekly confidential reports dated 14.12.98 and 15.12.1998 do indicate that Dara Singh is a supporter of the Bajrang Dal. 1 Report of 3.1.99 indicates that Dara Singh is a worker of the Bajrang Dal.
	F 1 Sushil Mohanty (W-31) When asked that the heading of his report (ex W19/20) which refers to activities of Dara Singh @ Rabindra Kumar Pal and Bajrang Dal, whereas the report does not strictly mention about the association of Dara Singh with the Bajrang Dal? He stated—"...from records and case diaries and information received by him ,he came to the conclusion that Dara Singh was a member of the Bajrang Dal"
	G. Pratap Sarangi (W-50):He is the state co-ordinator of the Bajrang Dal. He says in his affidavit before the Commission that Dara Singh was never associated with the Bajrang Dal. The witness was not cross examined by any of the counsel before the Commission on the question of the association of Dara Singh with the Bajrang Dal.
B.J.P	A. M.K.Dwivedi (W-19) At page 10—Re Dara Singh and his associates being associated with Bajrang Dal/BJP based on Patna Police station case 79/97, memorandum dated 27 10.97 and DIB reports 19/21-26 B. Lalith Das – (W-26) Dara Singh a member of the Go –Suraksha samithi but I don't know whether he was a

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	member of the BJP when Patna PS case 80/97 was registered. He further states –"It is well known that Dara Singh is a supporter of the BJP." "His association with BJP is so well known there is no need to inquire into his antecedents"
	C. Sushil kumar Agarwal—Witness no W-27 Dara Singh was a party worker of the BJP in the Patna PS area during the election campaign in 1990-91"

List of documentary evidence mentioning organisations.

Bajrang Dal/BJP	1. Ex 12/2 letter dated 21.11.98 from the SP Mayurbhanj to Special IG Cuttack: Rabindra Pal an active member of the Bajrang Dal. He is also described as a leader of the Mahanta Caste people. 2. Ex 13/2Crash memo from SP.Keonjhar to DIG (Admn.)—Dara Singh joined RSS camps, BJP and Bajrang Dal and actively involved in organisation in Ghatgoan, Turumunga and Patna. 3. Ex 14/4 SP Keonjhar to Home secretary dt.27 10.97 –Re involvement of Bajrang Dal in Patna PS case no 80/97 4. Ex 14/5(a)—DIB Keonjhar to SP Keonjhar dated 8.10.96 BJP/VHP supporters under the leadership of Rabindra Pal. 5. EX 14/5(b)OIC Turumunga to SP Keonjhar—BJP under the leadership of Rabindra Pal 6. Ex 18/3 (a)-letter dated 5.12.97—Re activities of Bajrang Dal workers in Keonjhar and also mentions name of Dara Singh. 7 19/3(a) –memoranum to the Governor on behalf of the Hindu Sanghatan 8. Ex 19/20-Report from CI sadar to SP Keonjhar regarding the activities of Dara Singh and his association with the Bajrang Dal and that he was attending RSS camps. Note: The document does not substantiate with evidence in respect of Dara Singh attending RSS camps.

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	9. Ex 19/21--DIB Keonjhar to SP---BJP VHP under leadership of Dara Singh and others 10. EX 22/4-report of the DGP to the Governmnent that Dara Singh was organising Bajrang Dal activities. 11. Ex 22/3A—letter form IIC Karanjia - SP Mayurbhanj dated 31.12.98—Dara Singh supporter of Bajrang Dal

The above evidence indicates that Dara Singh was perceived as being associated with the Bajrang Dal and the BJP in Sadar Circle of Keonjhar District and Karanjia Circle of Mayurbhanj District, at least for the purposes of intelligence and police records. Further the case diaries in Patna Case 80/97, Non FIR 96, Patna PS. Patna PS case No. 1/99 refer to him as an associate of the Bajrang Dal. The case diaries in Patna Case 19/98 and Sadar PS case 46/98 refer to him as a member of the BJP. However, Pratap Sarangi the State Co-ordinator of the Bajrang Dal in his affidavit denied that Dara Singh was a member of the Bajrang Dal. The State Government, however, did not choose to cross examine him on this point, nor did Mr. Sajal Das, advocate for the National Council for Churches suggest any question to contradict him. The past association of Dara Singh with Bajrang Dal in the Go Raksha Samiti have also come to light. His activities in the past have been in respect of the cow protection movement and aimed against Muslim cattle traders. The Commission has scrutinized the evidence before it and especially the evidence of the associates of Dara Singh who were involved in the carnage at Manoharpur. There is no evidence to suggest that any of the person

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involved in the crime, was in fact a member of either the Bajrang Dal or BJP or any organization. There is nothing to suggest in the evidence before the Commission or in the investigation conducted by the crime branch and the CBI thus far that there is involvement of any organisation even that of Bajrang Dal in the planning and the execution of the crime.

In televised interview, Dara Singh has denied his involvement in the crime or his connection with any organisation. He was interviewed by Binoy Bhushan Patnaik, a journalist. His interview was recorded on video. This was shown on TV on 29th March, 1999 under the programme "Aaj Ki Baat" in the Star Plus Channel. This video film was shown to witnesses which included police officers and they were asked if they could say that it was Dara Singh who gave the interview. Only Purna Chandra Mahanta and Debendra Mahanta were able to identify Dara Singh as the person interviewed. The English translation of his interview is as under

"I am Dara Speaking.

Q. One incident of missionary had happened in Manoharpur, What connection do you have with that incident?

A. I have no connection at all. I was not aware and even now I do not know what had happened and when?

Q. Then how your name has come in the frontline?

A. Police has brought my name in the frontline and the press highlighted my name.

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Q Now, as is presently appearing in papers, what is your connection with BJP, RSS and Bajrang Dal?

A. I do not have any connection with any organisation.

Q. Earlier, it had come in a paper that if you are caught, you would offer a few lakh of rupees. What do you say about it?

A. No. This may have been brought out by the press. But I do not know till today. I did not have any contact with any correspondent about it.

Q. O.K. If you do not have any connection with this incident, then why are you roaming about like this? Why don't you come forward and confess that you are not involved in this incident?

A. Present circumstances are bad. CBI is investigating and Wadhwa Commission will also give its report then it will be made known. If I am involved my name would definitely be there. This will be known later

Q. O.K. If your name would come out, what are you thinking of doing?

A. I am ready to surrender But my name will not be there because I do not have any connection.

Q. O.K. When this incident occurred on January 22nd, what were you doing and where were you?

A. I was in Sarpada and was not knowing at all.

If Dara Singh is so confident of his innocence, he would certainly have surrendered or appeared before the Commission when notice under Section 8-B of the Act was given to him.

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HOW STAINES MET HIS TRAGIC END

From the evidence of the witnesses, who had deposed before the Commission, and the materials collected by the Investigation Team and the record before the commission, the following picture emerges as to how Staines and his two small children Philip (12 years) and Timothy (8 years)met their tragic end

On the 20th of January, 1999, Staines left the Mission House at Baripada at around 4.00 P M. for Manoharpur to attend the jungle camp scheduled to be held from 21st January, 1999 to 24th January 1999 Staines was accompanied by his two minor sons Philip and Timothy They were also accompanied by Gilbert Venz from Australia, Shubhankar Ghosh from Cuttack. Victor Khojee from Kanpur, Rajendra Swain from Cuttack, Nimai Hansda and Peter Murmu, his drivers and Baiyu Hembram and Paul Murmu from Baripada.

Little did Staines realise that he and his two minor sons were bidding Gladys and Esther the final adieu.

The group travelled in two jeeps. ORM 952 carried Staines his two sons. Gilbert Venz Rajendra Swain, Victor Khojee and Shubhankar Ghosh and ORM 1203 carried the drivers Nimai Hansda and Peter Murmu. Paul Murmu and Baiyu Hembram. The group reached Manoharpur at around 9.00 P.M. As per his usual practice. Staines and

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his two children slept in the station wagon ORM 1208. Staines had however covered the roof of the station wagon with straw to act as insulation from the cold. Shubhankar Ghosh and Gilbert Venz stayed in the house of Samson Marandi. Others stayed in the thatched huts behind the Church. On the next day, i.e. the 21st January 1999, the jungle camp began. It included various programmes such as group counselling, scriptural teaching, hygiene and moral lessons. The day ended with a slide show after which Staines with his two sons retired to the station wagon i.e. ORM 1208 On the next day i.e. the 22nd January 1999, the jungle camp continued as usual and ended with a slide show in the evening After the slide show was over, the participants had their dinner. Thereafter, Staines wished Shubhankar Ghosh, Gilbert Venz and others good night at around 9.45 PM. The children were already in the jeep by then. Shubhankar Ghosh, Gilbert Venz and the others then retired to their respective places of dwelling for the night.

The venue and time of the holding of the jungle camp is normally decided at a meeting of pastors at the Raika church in Mayurbhanj District. The jungle camp at Manoharpur is an annual feature and is held from the first Wednesday till the Sunday after Makar Shankranthi, which falls in January every year According to Shubhankar Ghosh, this year the dates of the jungle camp were communicated to him by Staines. The holding of the Jungle Camps is known to everyone in the area.

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While the jungle camp was so peacefully being conducted, unknown to Staines, a plot to liquidaté him ,was being hatched. Investigations and evidence before the Commission reveal that Dara Singh, a notorious criminal (as per police records) of Keonjhar and Mayurbhanj was busy mobilising tribal youth from different villages in the area to form a militant group under his leadership. Dipu Das (a close associate of Dara Singh) in his interrogation reveals that youth from Gayalmunda and Bhalughera had approached Dara Singh sometimé in August 1998 to stop the Christians from converting Hindus to Christianity. Dipu Das also recounts that he and Dara Singh Singh went to Manoharpur in December and stayed in the house of Mahendra Hembram where they discussed about the Christians and Mahendra Hembrem showed them the Church. Dipu Das during his interrogation, however, states that the date 22nd January, 1999 had already been fixed. He revealed that some time in January, 1999 he and Dara Singh went to Gayalmunda and met Ghanasham Mohanta @ Ghana. In the evening he, Dara Singh, Abhi and Ghana held a meeting with some local boys. They were about 12/15 persons. Dara Singh said that they had to stop conversion at Manoharpur by any means to which the Gayalmunda boys agreed. Dara Singh told those boys to arrange more men and it was that time it was decided that on 22nd there would be attack on the Christian missionaries. Dara Singh began his preparations for the crime on the 20th January 1999. He met Purnachandra Mahanta at Telnadi Sahi and asked him to accompany him

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to Manoharpur. When Purnachandra Mahanta refused, Dara Singh then asked him to arrange 10-12 boys for him and this also he refused. Karthik Lohar during his interrogation reveals that - on 21st January 1999, around noon Dara Singh along with Dipu Das, Abi Mohanta, Kartik Lohar and others were assembled in the field of Srikant Purthy, when Dara Singh told them that Christian pastors, who were at Manoharpur, were converting their people and that they would be assaulted that night. On the request of Dara Singh one person from the Purthy family went to Manoharpur to see whether the Christian missionaries had arrived. He returned and informed Dara Singh about their being present in the village. As Dara Singh could not assemble enough people that night except for about six to eight persons, he abandoned his plans for the night and stayed on in the house of Srikant Purthy. On 22nd January, 1999 Dara Singh began gathering his forces in right ernest. They divided themselves into groups to mobilise people. Dara Singh and Kartik Lohar went to Remilidiha whereas Dipu Das and Andha Naik went to Bharandiha village. Dara Singh also banked upon known acquaintances for the purpose. Mahendra Hembram one such acquaintance of Dara Singh and a resident of Manoharpur brought Chenchu Hansda to Remilidiha where Dara Singh was addressing a gathering of about 10-15, people under a mango tree close to the cycle repair shop of Peon Tudu and the discussions were about Christians converting Hindus into Christianity. Satya Soren reveals that he saw Dara Singh along with Kartik Lohar, Surath Naik and Trinath Naik and two

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boys from Manoharpur (Chenchu Hansda and Mahendra Hembram) at around 2.00 P.M at the same spot who said that "Christian pastors are destroying the Hindu religion. They have come to Manoharpur and we shall assault to kill them and set fire to the vehicles and the Church as well. All of you kindly help me" He also asked the people around him to assemble near the house of a Munda at Jamdwar (Srikant Purty's house) where a fire would be lit. Interrogation of Chenchu Hansda reveals that Dara Singh and his associates then started making preparations for that night. Mahendra Hembram of Manoharpur, an associate of Dara Singh, took a loan of Rs 200/- from Sonaram Marandi, who was a classmate of his. Mahendra Hembram gave that money to Chenchu Hansda and asked him to buy flattened rice and sugar. Accordingly Chenchu purchased about 10-12 Kgs of beaten rice and about 2/3 kgs of sugar from the shop of Driver Pradhan @ Bhrungu in Panasadiha village. This was then kept in the house of Routra Purthy (father of Srikant Purthy). Chenchu Hansda retrurned to Manoharpur at around 3 PM only to go back to Jamdwar later in the evening with his uncle Ojen both of them being asked to go there by Mahendra Hembram who also accompanied them.

Around 8.00 pm. in the evening the mob started gathering in the wheat field of Srikant Purthy at Jamdwar in Dimridiha near the fire which was lit there. They came in batches and the number grew to around 30-35 people. Rabi Soren in his statement under section 164 Cr.P.C. talks about assembling at Dimridiha and that they borrowed utensils from

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Srikant Purty and prepared a meal out of flattened rice and sugar, which had been earlier brought by Chenchu Hansda. On being questioned by Srikant Purty, Dara Singh claimed that they were going to stage a drama at village Puthujhuri, the road to which passes through Manoharpur. Dipu Das revealed that on Dara Singh's instructions Abhi Mahanta brought red cloth bands which were distributed amongst the mob. Dara Singh then took a head count. The mob then led by Dara Singh proceeded to Manoharpur at around 11.00 P.M. Some of them took lathis, which were lying, in the field and about 10 or 12 of them were carrying torches. Srikant Purthy and Rajendra Hembrem say that Dara Singh was carrying a cloth bag and an axe. According to Dipu Das the mob divided itself into three groups, one group was to attack the jeeps, the other was to attack the tent in which the missionaries were staying and the third to guard the villagers and their houses.

On reaching the Church around midnight the mob did not see any tent. They surrounded both the vehicles and started banging them with lathis. Dara Singh, who led the first group, attacked the vehicle ORM-952. They were joined by the second group who reached immediately afterwards. Third group was guarding the houses. They cut the tyres of the vehicles. On realising that there was nobody in vehicle ORM-952 Dara Singh diverted his attention to the vehicle ORM 1208. The mob then tried to open the door of the driver of that vehicle, which they could not do but the door lever was broken. They broke the glasses of the vehicles.

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The mob then picked up the straw, which was kept on the top of the vehicle, and pushed the same inside as by now the glass-panes had been broken. Straw was put both inside and under the vehicles and then set on fire. Staines and his children attempted to come out but were prevented from doing so by the mob. Staines shouted and children cried. After the vehicles were put on fire, the mob guarded them for about half an hour and watched Staines and his two minor children meeting their gruesome end. Members of the third group, who were guarding the various exits of the houses of nearby people prevented villagers from coming out and threatened them as well. Nimai Hansda, who had come out and wanted to put out the fire, was threatened and given lathi blows. He retreated. The mob threatened the people in the vicinity and warned them not to come out and focussed torches on the eyes of those who tried to come out and chased them back. However, few people attempted to come and help rescue Staines. While all this was happening there was a tribal dance being performed in the near vicinity about 100 yards away. Ojen and Chenchu Hansda of Manoharpur village during their interrogation said that they followed the mob from Dimridiha and when the mob attacked the vehicles and set them on fire they watched the same helplessly, got scared and ran towards the place where Nagin dance was being performed. Persons, who were participating the dance, stopped and asked Ojen and Chenchu as to what was happening. They told them that only Christians were being attacked and no harm would come to them and

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that they should do nothing to help them. Chenchu also during his interrogation said that from distance he could see that Dara Singh and others tried to reach into the vehicles and by that time the vehicles also started burning. Staines and his two children died from suffocation and result of the burning.

Soloman Marandi says that Dara Singh was giving directions to the mob. He also identified the photographs of Dara Singh. Similarly, Ragunath Dehury also identifies Dara Singh's photograph and states that he was present at the scene of occurrence on that fateful night. Rabi Soren in his statement under section 164 Cr PC says that Dara Singh was present at Manoharpur at that night and that he took the straw from the top of the jeep and put it inside the vehicle and set it on fire with the matchbox.

After Staines and his two sons were burnt to death, the mob left when a whistle was blown three times. While leaving they shouted slogans "Jai Bajrang Bali" and "Dara Singh Zindabad" Dipu Das reveals that after the incident they went to the Purty's house (Srikant Purty) where they had kept their cycles and dispersed from there. He alongwith Dara Singh went to the garden of Debendra Mohanta the next day and told him everything. Debendra Mohanta in his statement under section 164 Cr PC states that Dara Singh did tell him that he had come back from Manoharpur "after finishing a job" Abhimanyu Mohanta of village

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Rohiniduma in his statement under Section 161 Cr.P.C. recorded on 15th June, 1999 said that Dara Singh did confess before him of having committed the crime. This he did so few days after the incident. At that time he was accompanied by Dipu and Andha Naik. Bidyadhar Mohanta of village Dalapaka in his statement under Section 161 Cr.P.C. recorded on 17th June, 1999 said that some boys from Gayalmunda and Bhalughera told Dara Singh in his presence that Christian missionaries were converting Hindus and that they were destroying Hindu religion. They asked Dara Singh to deal with the missionaries properly to which Dara Singh replied that Christian would be dealt with if everybody cooperated with him. He told them that they would be properly assaulted and they would not come to Manoharpur again. In his letter to his sister-in-law Mahendra Hembrum admitted his involvement in the gruesome killings of Staines and his sons. The following witnesses before the Commission speak about the incident and support the above narration.

1. Srikant Purthy (W-28)
2. Rajendra Hembram (W-44)
3. Purna Chandra Mohanta (W-29)
4. Satya Soren (W-36)
5. Shubhankar Ghosh (W-1)
6. Nimai Hansda (W-6)
7 Ralia Soren (W-7)
8. Peter Murmu (W-10)

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9. Paul Murmu (W-11)

10. Samson Marandi (W-16)

11. Mathai Marandi (W-40)

12. Raghunath Dehuri (W-41)

13. Solomon Marandi (W-42)

14. Debendra Mohanta (W-34)

Reference has also been made to interrogation of the accused and statements recorded under Section 164 Cr.P.C. and those recorded under Section 161 Cr.P.C. of the following persons:

1. Karthik Lohar

2. Chenchu @ Sudarshan Hansda

3. Ojen Hansda

4. Dipu Das

5. Turam Ho (164 Cr.P.C.)

6. Rabi Soren (164 Cr.P.C.)

7 Abhimanyu Mohanta (161 Cr.P.C.)

8. Umakant Bhoi (161 Cr.P.C.)

9. Bidyadhar Mohanta (161 Cr.P.C)

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MOTIVE

The population in the district of Keonjhar as per the Census report of the year 1991 and also till 1998 (based on decennial growth rate) is as under

Sl. No.	Category of Population	1991 Census	As on 1998 based on decennial growth rate
1	Hindus (which mostly include SCs/STs)	13,05,221	14,93,966
2.	Muslims	14,,605	16,717
3.	Christians (mostly STs)	4,112	4,707
4.	Sikhs	1,601	1,832
5,	Others	11,487	13,148

From the record, it appears that the motive for the crime was that there were conversions of illiterate and poor Hindu tribals to Christianity on certain premises but these conversions were not necessarily inspired by Staines. We examine the evidence in this respect

Timothy Murmu @ Chaitanya Murmu, Pastor of the Church at Manoharpur said that no force was used on anybody for conversion. He added that by becoming Christians economic conditions did not improve but persons who got converted "get inner peace and become better human beings" As to how he himself became a Christian he said he was suffering from an acute illness of fever and some incurable disease for one year He remained bed ridden for one month, took lot of medicines and spent more than Rs.2,000/- for his treatment and yet he could not be

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cured. He said his wife lost all hopes and then she heard that if a Christian prays for somebody, he would get cured. His wife called some Christians to his house. He, however, continued his medicines and within one week he was cured. Then he decided to become a Christian. He also said that in his village Manoharpur most of the persons who became Christians were those who in the past suffered from incurable illness but after becoming Christians they had been cured. He gave the following instances of persons who were converted to Christianity on this account

1) Kebe's mother was dying from high fever and "we all prayed for her and she survived then the entire family got converted to Christianity"

2) Manaki Gargi was earlier Hindu. In 1995 he became Christian but as he could not be cured of his high fever, he got reconverted to Hinduism.

3) Family of Kala Marandi remained Christian for 3 years Her husband was suffering from some incurable disease. He got cured when he became Christian. One day he went to Thakurmunda by cycle and when he came back he died. Kala Marandi then again became Hindu in 1998

4) Nimai Hansda was suffering from fever. He came to him (Chaitanya Murmu) who told him that he was also suffering from

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fever but was cured after he became believer of Christianity. Nimai Hansda was also taking medicines but after becoming a believer of Christianity he was cured.

In his deposition before the Commission, Chaitanya Murmu stated as under

> "In the year 1980, I had a severe attack of fever. I was not admitted in any hospital. But I obtained some medicines from the Government dispensary at Thakurmunda. When we Santhalis suffer from any ailment we offer, worship and sacrifice goats, sheep and chicken.. I suffered from fever for about 13 months and was not cured in spite of taking medicines and doing the above acts. While I was in a dying condition, my wife called 'five members of the Christian community of my village who came and prayed for my betterment in my house. Thereafter, I continued to take the same medicines which were prescribed to me earlier and was gradually cured. Since then I began believing in Christianity."

Paul Murmu a Pastor who accompanies Staines from Baripada stated that subject to availability Staines also attend baptism ceremonies and marriage ceremonies of Christian families in that area. He said whenever Mr. Staines was unable to come, he would ask him to go and attend any such ceremony He said Mr Staines would be intimated about the programme. He allowed the vehicles to be used for the purpose.

John Mathai , is a Linguist and is based at Baripada. He is working for the Indian Evangelical Mission which has its headquarters at Bangalore. He said if anybody accepts the Gospel and wants to come to

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the fold of Christianity, he would come to the Church leader and if the church leader considers that the person really wants to embrace Christianity, then after a few months baptism would be given to him. It is only then that a person becomes a Christian. John Mathai said that though he was engaged in spreading Gospel in the Thakurmunda area, there was no specific hostility exhibited by the villagers against the foreigners in the Jungle Camp at Baliposi He was asked if he could say what was the motive behind this hostility exhibited at the time of jungle camp in Baliposi. His reply was that since Christianity was spreading in that area, that might be the reason for the hostility. For the area, he said that he meant Thakurmunda. In answer to another question as to what role Staines used to play during the jungle camp, he said that Staines used to arrange speakers and he himself would take Bible studies. Sometimes, if necessary, Staines also used to translate from English to Oriya John Mathai was looking after the affairs of EMSM in the absence of Staines who went to Australia with his family for about a year. John Mathai said that EMSM was mainly involved in Leprosy Home work. It was also supporting Staines in his mission to encourage Christianity at different places. He added that by encouraging he meant if any person needed Bible teaching, Staines would arrange someone for the purpose. At times he would also give suggestions if there were problems of local church leaders John Mathai was then asked if he could describe the

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motive which led to the killing of Staines and his two children. His answer was

> "What I feel is that christianity is spreading in that area. One reason to kill them might be to stop the spread of christianity and those who had already become Christians would go back to their original religion."

John Mathai also said that he did not think that Staines was ever responsible for establishment of any church group in the area of Mayurbhanj and Keonjhar He said that increase of population of Christians in Mayurbhanj and Keonjhar was on account of conversion to Christianity. This conversion, however, he said was among the Ho and Santhal tribes. He was asked if this conversion to Christianity was confined mainly to illiterate and poor people in the tribal areas of Ho and Santhal and not to the educated and well to do persons in the Districts. Answer of John Mathai was

> "The conversion to christianity is mostly confined to poor and illiterate people in the tribal areas. But there are educated people also in the tribal areas who have embraced christianity. I cannot say if in any town or city any educated or well to do person has embraced christianity. There would be about 4-5 such educated persons in the tribal area who have embraced christianity.

Nimai Hansda is a cultivator and resident of Manoharpur He himself earns about Rs.5 to Rs.20/- per day. His children also collect Sal leaves, stitch and then sell them. He said he was converted to Christianity two

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years earlier. None of the members of his family have however, been converted to Christianity. He said he was ailing for a long time and he was cured after he embraced Christianity. He said all his family members advised him to convert to Christianity since his treatment in the Government hospital had failed. Nimai Hansda said that his understanding of Christianity "is that one goes to church regularly and gets cured" He added that after embracing Christianity, his financial condition has not improved.

Nehemiah Tudu is from village Raika in Mayurbhanj and is a Pastor He is a cultivator and also works as a daily labourer. He said he regularly attended the jungle camp at Raika and other jungle camps occasionally. He said that about 200 people had been converted to Christianity after he became Pastor of Raika Church and half of them had been baptised and others had only accepted the faith. As to how he himself became a Christian, He said

> "When I was a Hindu, I was worshipping deities and believing the spirits of ghosts (Bhut-Pret). In spite of my best attempts, i.e., offering goats, etc.. as sacrifice, I could not get rid of the fear of spirits and could not get peace. I also spent lot of money for the same. I had heard from one Champai Besra, a Pastor of Mayurbhanj that if I believed in Lord Jesus. I would be free from the fear of spirits. My brother Nathan Tudu was also having the fear of spirits and ghosts. One day he went to the house of a Christian. There, they prayed for him for half an hour thereafter his fear disappeared and he had a sound sleep at night. Next day he came to me and narrated the

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incident. Thereafter we started attending the church at Banki. I have been baptised.

Manika Gagrai is of village Dumurdiha in District Keonjhar. He said he was born in a Hindu Family He, his mother and his wife were suffering from fever. Sankhai Marandi, a Christian, who was known to him advised him to get converted to Christianity so that he could be cured. Manika Gagrai adopted Christianity Sankhai Marandi also offered prayers at that time in his house. Manika Gagrai said he had not been baptised but only became a believer of Christianity and attended church regularly. He said his health became worse and he developed tuberculosis. Staines visited him after he suffered from tuberculosis and advised him to take medicines which he took from a doctor at Karanjia. He then developed blood pressure. He said that thereafter none of the Christians helped him. As he was not cured, he again got himself converted to Hinduism. That was a week before the Makar Sankranti in the year 1999. He said he got himself reconverted to Hinduism voluntarily.

S.C. Bala, Deputy Superintendent of Police of the Crime Branch who investigated the case from 2nd February, 1999 till 7th April, 1999 was of the opinion that the motive of killings of Staines and his two children "appeared to be that non-Christian people were aggrieved on the ground that Christian fathers/missionaries who are converting the people to Christianity in a deceitful manner by giving allurements."

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Loknath Behra of the CBI stated that the crime was perpetrated by Dara Singh and his men and that investigation so far conducted revealed that Dara Singh took his accomplices for the crime by stating that "let us go and assault the Christian missionaries who have come to Manoharpur as they are indulging in conversion of innocent tribals to Christianity and are spoiling our religion and culture"

Thus, the inference is

1) Conversion was confined to poor and illiterate tribals belonging to Ho and Santhal Tribes.

2) Conversions were done of people who were suffering from acute ailments and they were nurturing a hope that they would be cured if they converted themselves to Christianity

3) Economic conditions of the converted Christians, however, did not show any improvement as deposed by the witnesses. However, the Investigating Team found that since the converted Christians stopped taking 'handia (rice beer) and saved money by avoiding unnecessary expenditure on 'bali' (sacrifice) of hens and goats to appease spirits which the local tribals believed in, their savings was utilised for a better life.

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'Tidings' is a newsletter published from Australia by Australian Missionary Tidings. It is a monthly publication and contains "Missionary Mail" from various countries from all over the world. Despatches sent by Staines and his wife Gladys Staines were also published in each issue of the Tidings. Some of the issues of Tidings were collected by the Investigating Team of the Commission from Gladys Staines. A communication was addressed by Mr D.G.R. Patnaik, Secretary to the Commission, to Mr. Ralf James Cameron, President, Evangelical Missionary Society of Mayurbhanj, Australia to send to the Commission copies of 'Tidings' from January, 1996 to February, 1999 containing information relating to the Mission in Mayurbhanj. A reminder was also sent to Mr Cameron by Mr. Patnaik on 17th May, 1999. There has, however, been no response to the fax messages sent by Mr. Patnaik. The issues of 'Tidings', which were obtained from Mrs. Staines were put to her during her statement. It will be advantageous to reproduce what has been recorded in these issues from the despatches from Staines

"JUNE, 1997

Graham and Gladys Staines
Mayurbhanj, 25 April

The first jungle camp in Ramchandrapur was a fruitful time and the Spirit of God worked among the people. About 100 attended and some were baptised at the camp.

At present Misayel and some of the church leaders are touring a number of places where people

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are asking for baptism. Five were baptised at Bigonbadi.

Pray for the Etani Trust in which the mission properties are vested. One man managed by underhand means to get parts of the property in his own name and a number of nominal Christians of the Baripada church are also trying to get some of this valuable property for themselves. The Trust is having to take legal action to rectify this."

SEPTEMBER, 1997

"Graham and Gladys Staines
Mayurbhanj, 23 July

Praise God for answered prayer in the recent Jagganath car festival at Baripada. A good team of preachers came from the village churches and four OM workers helped in the second part of the festival. There were record book sales, so a lot of literature has gone into people's hand.

Pray for a man named Surja Singh who bought a Bible. He first heard the gospel in his home village in 1989. He told others to follow Christ, but did not do so himself. For some time he had been wondering where he could get a Bible to read again about the Lord, who he believes is the only one who can deliver him from the fear of evil spirits."

NOVEMBER, 1997

"Graham and Gladys Staines
Mayurbhanj, 19 September

Praise God we now have the Ho New Testament in Oriya script and many copies are now in the hands of the Ho people. Pray that it will be used of God to speak to many as they read his word in their own language.

The wife of Surga Singh, the new believer from the Car Festival, is also interested but it is a slow process

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for an illiterate mother to understand so much that is new. Pray for them as they plan to move soon to Bhubaneswar and are concerned about finding fellowship and teaching there.

The Ho believers in Thakurmunda still face persecution. From time to time the village people have beaten them up, broken their bicycles and not allowed them to worship in their own church building. Three people came to Baripada to meet district officials and petition for justice. Pray that action will be taken to allow freedom to worship.

APRIL, 1998

"Graham and Gladys Staines
Mayurbhanj, 11 February

Jungle Camp means four days of Bible teaching, prayer and the fellowship of Christians living together. It enables believers from other churches to meet with local Christians to discus experiences and encourage one another. Also speakers from other places broaden the vision of those whose lives have been confined to one small village. The teaching helps the church leaders to further develop material for their own regular ministry.

The camp can also create hunger in the hearts of those who come just to observe. Each camp has a bookstall, which for many is the only chance to buy Christian literature.

The three camps held so far this year were well attended and others are to be held in the next few months. There are different needs in each place. Pray for wisdom for the leaders and responsive hearts in the people.

One lady commented after reading some of the Ho New Testament – 'God's word is just so fresh and new to me as I read it now' It was also encouraging to see so many Ho people following the references in the Ho New Testament during the messages at Sarat

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Jungle Camp. We sold all the New Testaments we took there.

22 February We have just arrived home from the Baliposi camp a day early. Some people from a militant Hindu group who are persecuting the Christians came to the camp but were not able to disturb the meetings. On the last evening the police came and told us to stop the meeting and leave, as they would not be able to protect us. We had to pack up quickly and leave for a three-hour trip home, without eating any evening meal. Pray for the believers at Baliposi and that the authorities will take proper steps to maintain peace and deal with those stirring up communal strife."

MAY, 1998

"Graham and Gladys Staines
Mayurbhanj, 20 March

Six men came to Baripada to speak with officials in the intelligence department regarding the tension in the Thkrumunda area. Pray that appropriate steps will be taken to ease the situation and that God will work in the lives of the troublemakers.

Over the next two months there will be a programme of baptism in nearby villages for those asking for them. These are times of witness to non-Christians too.

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JULY, 1998

"Graham and Gladys Staines
Mayurbhanj, 19 May

There are many new believers in the Manohorpur church and the work is growing. The devil is now finding opportunity to hinder the work of God. There is disagreement between the young people and the older men of the church. A problem arose about the land on which the church is built and the planned Vacation Bible School had to be cancelled. Last year more than 100 children attended this programme.

The translation of *Daily Life* into Oriya is complete. Pray for the checking of the text and that the printing will be done well and speedily.

We have been told that a militant Hindu group plans to concentrate on Mayurbhanj and Keonjhar districts to turn Christians back to Hinduism. Pray for wisdom, grace and steadfastness for all God's children."

AUGUST, 1998

"Graham and Gladys Staines
Mayurbhanj, 19 June

In many churches here Sunday schools have ceased to function. I have been advocating these and at a recent church leaders meeting I heard that some have re-started this work. It is often difficult to find the right ones to conduct Sunday school and mostly they have to do it without materials as very little is available.

The Vacation Bible School that was to be held in Manohlorpur was cancelled because of problems in the church there. Two hundred and eight children registered for the one at Raika, but because of the extreme heat only 120 came. It was an excellent time and some young people who teach in VBS are being trained and encouraged for children's work and Sunday school.

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OCTOBER, 1998

"Graham and Gladys Staines
Mayurbhanj, 21 August

Recently Paul, Matthew, Nehemiah and Misayel went to Deleswar church near Sarat where they encouraged the believers and talked about some problems. The leaders there are still unstable. Some young men who asked for baptism were found not to be ready.

There are still divisions in the church at Manoharpur and the churches at Durakuntia and Burudi are very weak.

It is lovely to see the little girls being cared for in the Rairangpur hostel. They have a wonderful opportunity to learn to read and to learn of the Lord.

Paper work for the hostel extension has been submitted to the offices of the government authorities. Pray that it can be built soon to provide more accommodation.

NOVEMBER, 1998

"Graham and Gladys Staines
Mayurbhanj, 18 September

Four men visited Monohorpur church to discuss the problems there and much was sorted out. A man who seems to want to be the head of the church wants to bring in or join with two other groups who do not teach and walk according to the scriptures. Others in the church, particularly young men, who were following this man, now do not do so. Pray for wisdom and grace for Timothy who leads the church there.

There has been good rain here recently, though it is too late for much of the rice crop.

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JANUARY/FEBRUARY, 1999

"Graham and Gladys Staines
Mayurbhanj, 19 December

It is encouraging to hear of some improvement in the church at Monohorpur and that they are preparing for the jungle camp.

Misayel, Paul and Nehemiah visited Patana in early December but as many were away rice harvesting they could meet only with a few. They were able to encourage a new believer who had been a priest of the Sana Dhoram, an animist sect. The village people pleased with him not to become a Christian, saying, 'How can we continue our worship if you leave us?' 'You can do so you like, but I am following Christ' he said. Continue to pray. God is working."

Staines in his despatches to the 'Tidings', which are on record, has made reference to militant Hindu group twice. In the issue of April, 1998 there is reference to a communication dated 22nd February, 1998 from Staines. In that he said that he had arrived from Baliposi camp a day earlier as "some people from a 'militant Hindu group' who were persecuting the Christian, came to the camp but were not able to disturb the meeting" Similarly, in the issue of July 1998 Staines wrote "We have been told that a 'militant Hindu group' plans to concentrate on Mayurbhanj and Keonjhar to win Christians back to Hinduism" Earlier in November 1997 issue Staines complained that Ho believers in Thakurmunda "still face persecution" and from time to time the village people have beaten them up, broken their bicycles and not allowed them to worship in their own church building. It is IEM which is active in Thakurmunda area and

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activities of EMSM are not confined to this area. This is from the statement of Gladys and also from the statement of John Mathai. Baliposi camp is organized by IEM in Thakurmunda area.

In her statement Gladys was unable to identify as to which 'militant Hindu group' Staines made reference. However, on the basis of various intelligence reports emanating from the police it does appear to me that reference to 'militant Hindu group' has perhaps been to the Bajrang Dal. As held earlier, there is no evidence that Bajrang Dal is involved in the present gruesome murder of Staines and his two little children. Moreover, in his statement Pratap Chandra Sarangi, who is State Coordinator of Bajrang Dal in Orissa, was categorical that re-conversion to Hinduism is not one of the objects of Bajrang Dal. In his affidavit he had stated that Bajrang Dal was not involved in the gruesome murder and that Dara Singh was never a member of the Bajrang Dal. Sarangi stated that Bajrang Dal is an independent forum associated with Vishwa Hindu Parishad. He described the objectives and activities of the Bajrang Dal. It is not necessary to go into that as Bajrang Dal is not an unlawful organization.

From these issues of the 'Tidings', following circumstances emerge:

1. Jungle Camps were regular features in the Districts of Mayurbhanj and Keonjhar Jungle Camp means four days of Bible teaching, prayer and the fellowship of Christians living together It enables believers from other churches to meet with local Christians to

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discuss experiences and encourage one another. Also speakers from other places broaden the vision of those whose lives have been confined to one small village. The teaching helps the church leaders to further develop material for their own regular ministry.

The camp can also create hunger in the hearts of those who come just to observe. Each camp has a bookstall, which for many is the only chance to buy Christian literature.

2. Conversions did take place in Jungle Camps. These conversions were not caused by any threat, inducement or duress.

3. There was dispute among Church leaders of Manoharpur Church and attempts were made to sort out the differences among them. Differences were so acute that the Vacation Bible School which was to be held in Manoharpur was cancelled. There was tension in Thakurmunda area between Christians and non-Christians.

4. From July 1998 issue, it does appear that persons, who had been converted to Christianity were Hindus.

5. Though Staines was involved in ceremonies connected with baptism it was not that he would baptise persons who are not true believers. In the issue of Tidings of October 1999, he reported that "some young people who asked for baptism were not found to be ready"

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6. In the issue of January-February 1999 he mentions Sanatan Dharam (Sana Dharam) as an animist sect.

7 Tension was brewing between Christian and non-Christian villagers because of the spread of Christianity.

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THE INCIDENT AT MANOHARPUR WAS AN AVOIDABLE TRAGEDY

There are various reasons indicated below which lead to the conclusion that an efficient and responsive administration could have prevented this unfortunate incident.

1 Tension between Hindus and Christians in certain areas of Mayurbhanj and Keonjhar Districts

It is evident from the various issues of the news magazine Tidings which were produced by Gladys Staines that there was tension in the two districts and that jungle camps held by the Christians were facing resentment and hostility from the Hindus. John Mathai speaks about the disturbance in the camp at Baliposi. He further states that the officer in charge of Mahuldia Police Station had escorted the participants to safety saying that the police could not provide protection to the camp as general elections were around. He further states that for the last seven years there has been tension between Christians and non-Christians. He cites an instance of 1992, in which the Sunday worship at Basantpur Church (which is 4 kilometers from Thakurmunda) was disrupted

Lalit Das, the former Superintendent of Police of Keonjhar, cites an incident of July 1998 at Jogiabandha when the villagers objected to the presence of one Fr Vergese in their village.

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Nehemiah Tudu states that previously the relationship between Christians and non-Christians was cordial but in the last 4 years there have been disturbances.

In Manoharpur itself there was some friction between Christians and non-Christians as non-Christians had objected to the playing a music cassette containing Christians songs during a Christian wedding. In the November '97 issue of 'Tidings' Graham Staines writes that "Ho believers in Thakurmunda still face persecution From time to time the village people have beaten them up, broken their bicycles and not allowed them to worship in their own Church building.... He further writes in the May '98 edition of the 'Tidings' that "six men came to Baripada to speak with officials in the Intelligence Department regarding tension in the Thakurmunda area He says in the July '98 edition of 'Tidings' that a militant Hindu groups plan to concentrate at Mayurbhanj and Keonjhar to win Christians back to Hinduism.

The Investigating Team of the Commission cited several reasons for the generation of tension between the Christians and non-Christians. It opines that tension is caused due to

(i) Christian villagers who were earlier contributing to the village festivals, not giving 'chanda' (contribution), after embracing the religion;

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(ii) their non-participation in local religious festivals and tribal dance etc;

(iii) their adoption of anti-tribal customary practice of ploughing land during Raja, Makar Sankranti and other festivals of local non-Christian tribals;

(iv) since the converted Christians stopped taking 'handia' (rice beer) and saved money by avoiding unnecessary expenditure on 'bali' (sacrifice) of hens and goats to appease spirits which the local tribals believed in, their savings were utilised for a better life. Such conduct of the Christians was resented by the other villagers. These issues gradually became causes of friction between Christian and non-Christian communities in the villages.

Evidence before the Commission does not indicate any open serious division between the Hindus and the Christian communities. However, evidence does indicate that there was underlying tension between them. This was especially owing to the fact that the Christian tribals in certain areas used to plough the land during the Raja Festival (when according to tribal custom the land was to be kept fallow) and the non participation of the Christian tribals in village festivals. This tension was more pronounced in the Thakurmunda area. Evidence before the Commission also indicates that the police had little knowledge about the

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conduct of jungle camps in the Districts and did not take any serious note of the underlying tensions between Christians and Hindus.

2. Laxity of the State and district administration

Though the question on conversions and re-conversions are being discussed separately it is necessary to point out here that the various officials of the police and Distt. Administration knew very little about the activity of conversion taking place in the Districts. They also did not take note of the fact that this was causing some tension between the Christian and Hindu communities in the villages. Santosh Upadhyaya former S.P. of Mayurbhanj stated that there were no conversions there in his time. J.K. Mahapatra feigned ignorance about jungle camps or conversions. A.R. Khan did not know about the holding of jungle camps. R. Balakrishnan, Distt. Magistrate of Mayurbhanj stated that although there were conversions, they were not owing to force or inducement. Saurab Garg, Distt. Magistrate of Keonjhar did not know about any conversions in his District. Both the District Magistrates and the Superintendent of Police also did not have a proper working knowledge of the Orissa Freedom of Religion Act and were not aware of the provisions of the Act and its rules. M.K. Dwivedi who was the acting S.P of Keonjhar at the relevant time stated that he was not aware of the jungle camps and that there was no complaint regarding conversions to Christianity during his tenure.

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It is therefore clear that the Police and Distt. Administration had no clue as to what were the underlying tension between the communities in their area and what were the causes for the same.

Failure of investigation agencies to nab Dara Singh after having known his activities is perplexing. So lax have the agencies been that even an application for cancellation of bail in a case in which he was involved was moved only on 4th April, 1999 after the Manoharpur incident whereas he was released on bail on 27th November, 1997 Purna Chandra Mahanta recalls an incident which took place one day before the Manoharpur incident wherein the police lifted up an intoxicated Dara Singh and put him on the side of a road even when he was a wanted criminal. The evidence before the Commission also shows that almost all Police Stations received a photograph of Dara Singh only after the Manoharpur incident, although he was wanted in several other crimes. The inability of the police to identify him in the videotape of his interview (Exhibit-A) also compounds their ineptitude.

The police, in spite of not even having his photograph claimed to have conducted 173 raids to arrest Dara Singh. B.B. Panda who was the DGP at the relevant time candidly admits that the raids may not be genuine. He says "There can be proper raids, fake raids or paper raids also.

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Not only has the Distt. Administration shown that it is not ready and responsive to meet difficult situations, it has also come to light that the State Government by frequent transfers and non-filling of important vacancies, such as that of the Distt. Superintendent of Police, are making matters worse. Transfers of officers also seem frequent in the State. Even while the Commission was holding its sittings, officers deposing before it were transferred twice in the course of two days. The state of rural police is also dismal and to fulfill the norms laid down by the National police commission both the districts of Mayurbhanj and Keonjhar require 20 more police stations each.

3. Failure of Intelligence

The functioning of the District Intelligence Bureau was far from satisfactory D.K.Mahapatra, the then Additional Director General of Police (Intelligence) (and now DGP) states that there was no regular Inspector incharge of the DIB at Keonjhar and that there was only an Inspector holding charge. In the written submission before the Commission, State of Orissa, admits that the present structure of the DIB is inadequate to discharge its functions effectively. The grass root collection of intelligence at the village level is best done by the Police station concerned The officer in charge has to have sources, and utilise Gram Rakhis for the purpose. This has not been done at all.

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The Intelligence Bureau operates under the Government of India's (Allocation of business) rules 1961. These rules stipulate that the Director of the Intelligence Bureau is responsible for collecting, co-ordinating and supplying to the Central Government information relating to the security of India. The IB collects information which effects National Security and is answerable to the Central Government. The IB has its Head Quarters in New Delhi and has ancilliary or operational units called Subsidiary Intelligence Bureau (SIB). In addition the Special Branch of the State Police in different States co-ordinates with the IB and intelligence is shared between the two.

The IB keeps a watch on the activities of foreign missionaries and flow of foreign funds for missionary work. Since conversions on the large scale can result in social tension and disruption of law and order, the IB keeps track of approximate conversions taking place in various parts of the country. In the case of Keonjhar district (in which Manoharpur is located), the Christian population which was 2595 in 1971 increased to 4112 in 1991. The growth was not considered alarming by the IB. Neither the State police/Special branch/local police or the IB was aware of any strong social tension due to conversions in the region.

Though the IB has a nationwide spread, its strength on the ground is very thin compared to that of the State Police/Intelligence/Special Branch. The IB does not have a post at Manoharpur but only a post at

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Keonjhar which is the district head quarters and is located 145 Kms. from Manoharpur. Even this post is manned only by three persons to look after district with the population of 15 lakh and an area of 8303 sq. kms.

The primary focus of the IB is areas like counter intelligence, prevention of espionage activities of foreign powers, terrorism, insurgency, security of the VIPs, security of vital installations, immigration and taking an overall view of law and order

The IB's perception is that the incident at Manoharpur was a law and order problem and their role would be twofold for incidents of this nature. Where information exists with the IB of the imminence of such a clash, the local police would be informed. Where a deep-rooted State or National Level conspiracy has taken place, the IB would utilise its expertise for unravelling such a conspiracy. As far as the Manoharpur incident, the IB did not have any prior information of Hindu-Christian tension and in its perception the incident was purely local and not the fall out of a high level conspiracy

There is, thus, total failure of intelligence both at State and Central levels. There has also been failure at the State level in maintenance of law and order, it not being alive to the prevalent situation.

In sum, therefore, a responsive and efficient administration which has its ear to the ground and which acts on intelligence information

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available with it and whose officers are given a reasonable tenure could have prevented the carnage at Manoharpur.

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REPORTS OF OTHER AGENCIES

The Commission in the course of its proceedings received reports of various other agencies including the investigating team appointed by the Commission which had visited Manoharpur and made an on the spot study there.

Report Of The Revenue Divisional Commissioner Northern Division, Sambalpur

State of Orissa on 24th January, 1999, immediately after the incident, appointed Mr Ranglal Jamuda, IAS, Revenue Division Commissioner (RDC) to conduct an administrative inquiry into the circumstances and sequence of events leading to the death of Graham Stewart Staines and his two children at Manoharpur on the night of 22nd/23rd January 1999, the nature of incident, motive for the crime and whether any group or organization was involved and, if so, the nature and extent of the involvement. The terms of inquiry also required the RDC to opine whether the action taken by the district law and order agencies before and after the incident was adequate or inadequate and if inadequate, fix the responsibility for the same. The inquiry was also to cover such other matters as were incidental to the subject matter of inquiry and matters connected therewith arising in the course of inquiry It will be seen that the terms of administrative inquiry are almost the same as the terms of inquiry before me under the Commissions of Inquiry Act The RDC submitted his report on February 7 1999 to the State Government

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The statements of as many as 95 witnesses were recorded by the Executive Magistrates, though in the presence of RDC. The report of the RDC describes as to how the crime was committed. He said the nature of the incident was criminal and it was committed to put "an end to the life of late Graham Stewart Staines" On the question whether any group or organization was involved, RDC concluded, after taking into account the activities of Rabindra Kumar Pal @ Dara Singh, that "it is very clear that Sri Rabindra Kumar Pal alias Dara Singh is a strong activist of BJP His associates who have been committing crimes against minorities are most likely the supporters/activists of BJP/Bajrang Dal. In all probabilities, Sri Rabindra Kumar Pal alias Dara Singh and his associates might have killed Mr. Graham Stewart Staines and his minor sons"

As to the motive for the crime finding was:

> "In view of the above the motive for the crime was to put an end to the life of Graham Stewart Staines and to put and end to the alleged conversion of non-Christians (santal tribals in this case) to Christians. As it appears, the killing of the two minor sons of Mr. Staines was incidental to their criminal activities. Also the religious fanatics who have been acting publicly against the minorities may gain popular support at the cost of the social integration.

On other issues of reference RDC gave almost clean chit to the law enforcement agencies of both the districts of Mayurbhanj and Keonjhar except holding two Executive Magistrates having failed in due discharge of their duties. In one case the Executive Magistrate had granted bail to Dara Singh and in the other the Executive Magistrate had terminated the

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proceedings against him under Section 110 of the Code of Criminal Procedure. The RDC also found the Court Sub-Inspector of Police attached to the Court of SDJM, Keonjhar, failed in not informing the OIC, Patna P.S. regarding release of Dara Singh on bail.

Report Of Prakash Mishra, DIG, CID (Crime Branch)

Prakash Mishra, DIG, CID (Crime Branch) submitted a report to the Commission on the progress of the investigation by the Crime Branch. His report concluded

a) The case seems to be the outcome of the pre-concieved plan for eliminating Graham Staines.

b) Examination of the members of the Christian community clearly indicates that his death was intended to scare the members of the Christian community.

c) The killing was intended to work as a warning to other missionaries.

d) This appears to be the work of a Hindu fundamentalist group under the leadership of Dara Singh.

e) Whether Dara Singh acted on his own or at the behest of some others will be known only after his arrest and interrogation.

As the report of Mr Prakash Mishra was given at the initial stage of the investigation, his conclusions have to be treated as tentative.

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Report of The National Human Rights Commission

The team of the National Human Rights Commission led by Mr. D.R. Karthikeyan, Director General (Investigations) submitted its report on 8.2.99 after making on the spot study of the situation. The conclusions of Mr. Kartikeyan may be summed up as follows

i. Investigation into the case, especially the case of this magnitude requires large team of trained officers with adequate power and resources.

ii. The local authorities have been spending most of their time in attending a number of VIPs and high powered teams visiting Manoharpur

iii. From the material available, the circumstances and the inferences, it appears that Dara Singh @ Rabindra Kumar Pal is the main culprit.

iv. On the motive he states, "However, certain factors point towards the most probable motive for committing this offence.... There is reason to believe that certain sections of Santhal tribals were not happy about some of their people getting converted to Christianity "

v. There are indications available that Dara Singh @ Rabindra Kumar Pal is a sympathiser of the Bajarang Dal.

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vi. There is no evidence of forced conversions having taken place in the area. There is no material available to show any recent spurt in conversion activities.

vii. Santhal tribals live in backward areas. They have suffered due to malnutrition, illiteracy, epidemics, discrimination and poverty. Medical facilities are almost inaccessible. In these conditions, service rendered by the hundred year old Australian Mission has been deeply appreciated It is obvious that Staines was a dedicated man.

viii. It is possible that neglected tribals who got medical and other facilities were impressed and attracted by the preaching of Christianity and embraced Christianity

ix. Like all traditional societies, the tribal community was not happy with such conversions taking place. Though there has been no open protest against conversions, tension and trouble was growing over the issue of Christian converts not observing tribal customs.

x. The relative affluence of the Christian converts was also a source of irritation.

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xi. The activities of Dara Singh have not been checked effectively and he got emboldened by the fact that nothing had happened to him despite many crimes committed by him

xii. Mr Karthikeyan concludes that all these factors combined had a cumulative effect resulting in the death of Staines. The attackers came to the conclusion that the tribals are getting converted to Christianity because of the efforts of Staines and the presence and activities of Dara Singh helped to channelise the resentment, which made the mob commit the crime.

The conclusions of the National Human Rights Commission broadly conform to the evidence before the Commission.

Report of The National Commission For Minorities

The National Commission for Minorities forwarded a copy of its report dated 3.2.99 to this Commission. In its summary findings, the team recorded that:

a. Staines and his family were not involved in preaching of Christianity for the last 10 years leading to conversion in Manoharpur

b) There was an element of involvement of outsiders in planning and executing the dastardly attack

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c. Some villagers received threats from the families of those who have been arrested and the people of neighboring village saying that 'we have killed your leader and now will be your turn' That the incident of Manoharpur was pre-planned and a part of the broader scheme.

d. The activities of Dara Singh particularly relating to the protection of cow was linked with the campaign of Bajrang Dal, for cow protection in the different parts of the country;

e. The cordial relations existed between Hindus and Christians and there was no ill-feelings among them.

The team also made some recommendations, which may be summed up as under:

i. The case may be probed by an impartial investigating agency like the CBI.

ii. Inter-state co-operation is necessary to arrest Dara Singh

iii. Police post may be set up on a regular basis in Manoharpur

iv. State and District authorities should extend security and support to Mrs. Staines and her associates so that there work could be carried out among leprosy effected people without any hindrance.

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v. All steps must be taken to restore confidence among the Christian community.

Though the recommendations made by the Minorities Commission appear to be well founded, the findings arived at by them do not seem accurate. In fact, subsequent inquiries and the evidence before this Commission lead one to the conclusion that the findings were not accurate and ought not have been recorded without greater circumspection.

Report of The Investigation Team Appointed By This Commission.

The Commission itself under the powers conferred on it u/s 5 A of the Commissions of Inquiry Act_1952 appointed an Investigating Team consisting of the following officers

1. Sh. Padman Singh, IPS, IGP
2. Sh. Ashok Kumar Patnaik, IPS, DIGP
3. Sh. V Ranganathan, Addl. DCP
4. Sh. N.S. Mattoo, ACP
5. Sh. N. Tshering, ACP
6. Sh. T.R. Mudgal, Inspector

The Investigation Team of the Commission visited the scene of crime and various places in the districts of Mayurbhanj and Keonjhar. They collected relevant information/documents from Government Officials and members of the public. The Investigating Team recorded the

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statement of 172 persons. Significant amongst the documents collected by the Investigating Team were the various despatches sent by Graham Staines to Australia which were published in a news magazine titled "Tidings" Investigation Team's conclusions on various areas investigated by them are as follows:

Conclusions on the incident:-

i. No person or house in the village (Manoharpur) has been harmed/damaged, except beating of Nimai Hansda and manhandling of Ralia Soren.

ii. Fire on the roof of the Church and the house of Bikram Marandi were incidental to the flames of burning vehicles.

iii. There was no concerted effort to oppose the assailants and to rescue Staines. Persons from other 'Sahis' of the village did not come out during the incident. Village headman and Gramrakhi did not respond even after being informed

iv. Assailants were armed with lathis, torches and axes. Durgi Marandi saw one of the assailants having a pistol in his hand. One loud explosion sound was heard. The assailants were seen wearing red headbands. The assailants created panic by threatening to shoot and burn houses if anybody dared to come out and continued to shout loud threats. Paul Murmu heard the screams of the children,

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however, he did not hear the sound of Mr. Staines. Ojen Hansda and Chenchu Hansda of village Manoharpur were identified at the scene by Smt. Basi Tudu, Parvati Hembram and Singo among others.

v. Although the witness mentioned the numbers of assailants to be around 50 to 60, their number may be less. The assailants used straw from the roof of the vehicle ORM 1208 and haystack of Basi Tudu to set fire to the vehicles. Before leaving the place 3 whistle sounds were heard and the assailants left shouting 'Jai Bajrang Bali' 'Dara Singh Zindabad' The assailants came to the village on foot and left on foot in the direction of Dumridiha. The incident lasted for about an hour at mid-night. It has been committed in a very planned manner.

Conclusions on motive:-

i. The evidence collected during the course of investigation revealed the involvement of Dara Singh in the crime. There is evidence of Dara Singh's activity relating to the crime, before and after the incident. Disclosure of Kartik Lohar recorded by Crime Branch gives in detail Dara Singh's participation in the actual crime.

ii From the investigation conducted, no personal enmity of Staines with anybody has emerged. Mrs. Staines has also confirmed that

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there had been no threat to his life. Had there been any threat, he would not have taken his two small children along with him.

iii. Dara Singh's earlier crime had been against Muslim traders. However, Purna Chandra Mohanta s/o Basudev Mohanta r/o Banbir village has disclosed in his statement that Dara Singh does not like Muslims as well as Christians. It indicates that Dara Singh not only has anti-Muslim but anti-Christian feelings also.

iv. Dara Singh had asked Purna Chandra Mohanta to come to Manoharpur but he did not disclose the 'work' Purna Chandra is one person with whom Dara Singh had talks prior to the incident.

v. There was also a rumour that some people will be converted to Christianity around the time of jungle camp.

vi. Though no major clash has taken place in the village but there have been differences between the Christians and non-Christians in the village. According to the disclosure statement of Suratha Nayak s/o Padmalochan Nayak r/o Rimildiha recorded by Sh. S.C. Bala, Dy. SP, Crime Branch, Dara Singh said that the Christian pastors were destroying Hindu religion. They were converting the innocent adivasis as well as Hindus to Christianity in the name of curing them from diseases. On 22nd January, 1999 they would go to Manoharpur and murder those Christian pastors and burn their

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vehicles as well as their church. Similar disclosures of Peon Tudu s/o Charan Tudu, Trinath Nayak s/o Chatan Nayak both of village Rimildiha and Kartik Lohar s/o Than Lohar of village Boring were recorded by Sh. S.C. Bala, Dy SP, Crime Branch. These disclosures indicate that Dara Singh has mobilised support on the issue of conversion to Christianity and committed the crime.

vii. There was opposition to the jungle camp congregation at Baliposi in 1998 which was attended by Staines. The participants were escorted out by the police. Tension between Christians and non Christians has come to light at some other jungle camp locations also, though the tensions do not directly pertain to jungle camps.

viii. All these factors combined might have contributed to the gruesome incident. However the real motive will be known after arrest and through interrogation of Dara Singh and his close associates Dipu Das and Anirudh Dandpat @ Andha Nayak.

Conclusions on Dara Singh:-

i. Rabindra Kumar Pal @ Dara Singh is an activist/supporter of Bajarang Dal. However, there is no documentary evidence to prove that he is a member or office bearer of Bajarang Dal.

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ii. Under the garb of cow protection he has committed crimes against the Muslim cattle traders. He has also committed crimes against Muslim businessmen.

iii. Dara Singh had campaigned for BJP during the last parliamentary elections in 1998.

iv Dara Singh had also been seen in RSS rallies.

Conclusions on conflicts between Christians and Non-Christians: -

i. Christian villagers who were earlier contributing to the village festivals, not giving 'chanda' (contribution) after embracing the religion ;

ii. their non-participation in local religious festivals and tribal dance etc.;

iii. their adoption of anti-tribal customary practice of ploughing land during Raja, Makar Sankranti and other festivals of local Non-Christian tribals; and

iv. the practice of converted Christians not taking part in sacrifice to appease spirits and their non drinking of handia or rice bear resulted in their increase standard of life as they had better savings. This also resulted in friction between Christians and Non-Christians.

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Assessment of the Investigating Team: -

The Investigation Team in its final assessment stated thus "In overall perspective, the issue of conversion, disputes and growing friction between Christian and non-Christian tribal seem to provide the framework to explain the circumstances leading to the Manoharpur tragedy. It appears that though earlier, the social relationship of the converted Chrisitians was almost confined within their own group, they did not forget to participate in socio-religious functions of tribes to which they originally belonged. This is now changing on the ground"

As far as the second term of reference is concerned, the Investigation Team came to the conclusion that Rabindra Kumar Pal alias Dara Singh is the main accused in the case and his accomplices included Dipu Das and Andha Naik. They however concluded that the role of any other organisation or authority would be known only after the arrest of Dara Singh and his close associates.

Supplementary report of the Investigating Team

After analysing the further evidence gathered and witnesses examined by the CBI including the interrogation of Dipu Das, the, Investigating team gave a supplementary report on 18th June, 1999 in which they have concluded as under

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1) Rabindra Kumar Pal @ Dara Singh was the main accused in the crime. He planned the attack, mobilised the assailants and executed the crime in Manoharpur on January 22/23, 1999.

2) In their disclosures the arrested persons have not clarified their links with any organisation. All of them categorically stated that Dara Singh was the main accused in the crime. However, Chenchu Hansda @ Sudarshan Hansda disclosed that Dipu Das told him that he and Dara Singh belonged to Bajrang Dal.

3) On the basis of disclosures of Dipu Das and other and records, the following 27 individuals were identified by name as participants in the crime

(i) Dara Singh, (ii) Dipu @ Rajat Das, (iii) Anirudha Dandapat @ Andha Naik, (iv) Mahendra Hembram, (v) Ojen Hansda, (vi) Chenchu Hansda, (vii) Kartik Lohar, (viii) Mahadeb Mahanta, (ix) Madhu Mahanta (x) Ghanshyam Mahanta, (xi) Umakanta Bhoi, (xii) Surath Naik, (xiii) Renta Hembram, (xiv) Budhi Naik, (xv) Abhimanyu @ Abhi Mahanta, (xvi) Tipu, (xvii) Raman Mahanta, (xviii) Harish Chandra Mahanta, (xix) Daya Patra, (xx) Rajan Ho, (xxi) Turam Ho, (xxii) Rabi Soren, (xxiii) Peon Tudu, (xxiv) Trinath Naik, (xxv) Makar Mahanta, (xxvi) Bularam Mahanta @ Bulu, and (xxvii) Dilip Sona.

4) Out of the above, the following 12 persons have since been arrested by Crime Branch and 6 by the CBI:

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(i) Kartik Lohar, Date of Arrest (DOA) 25.2.99, (ii) Trinath Naik, DOA-5.3.99, (iii) Peon Tudu, DOA-5.3.99, (iv) Surath Naik, DOA -5.3.99, (v) Umakanta Bhoi, DOA-11.3.99, (vi) Renta Hembram, DOA-11.3.99 (arrested by Crime Branch, Orissa Police), (vii) Ojen Hansda, DOA –28.4.99 (viii) Chenchu hansda, DOA –28.4.99, (ix) Madhu Sudan Mahanta, DOA-11 5.99 (x) Turam Ho, DOA-12.5.99, (xi) Rabi Soren, DOA-13.5.99. (xii) Dipu Das, DOA 10.6.99 arrested by CBI.

5) The arrest of Dipu Das has clearly brought out the role of Rabindra Kumar Pal @ Dara Singh as the main accused and Anirudha Dandpat @ Andha Naik as an accomplice in the crime. The motive of the crime based on evidence collected so far is that Dara Singh mobilised people on the ground that innocent Adivasi tribals of Manoharpur were being converted to Christianity by the Christian Missionaries thus spoiling Hindu religion and culture and this conversion in Manoharpur must be stopped by any means. Dara Singh executed the plan in Manoharpur on the night of 22nd/23rd January, 1999.

6) Evidence collected so far does not reveal the role of any organisation in the commission of crime. The investigation by CBI is still in progress. SP, CBI has deposed before the Commission on 20th May, 1999 that investigation conducted so far does reveal that

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the crime was perpetrated by Rabindra Kumar Pal @ Dara Singh and all aspects of the case will emerge after his arrest.

The Investigating Team, however does not indicate what further aspects of the case it expects to come out even after the record investigation by CBI, Crime Branch of Orissa Police and evidence, both oral and documentary, produced before the Commission. The Investigating Team closed its investigation by 30th April, 1999, and when Lok Nath Behra, SP, CBI, appeared as witness before the Commission on 20th May, 1999, 80% of the investigation by CBI was complete.

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OTHER PROXIMATE INCIDENTS

To understand the background of the killings, the Commission also examined some of the incidents, which happened in proximity to the Manoharpur incident. These relate to

1. Alleged rape of Sr Jacqueline Mary. FIR case No.25 of 4th February, 1999 under Sections 366/376/34 IPC of Baripada Town Police Station against two unknown persons.

2. Murder of boy Santosh Pradhan, girl Savita Naik and attempted murder of Ashwini Naik, all Christians under FIR Case No.6 OF 7th February, 1999 under Section 302/307 IPC of Rakia Police Station.

3. Clash among Hindus and Christians of Village Ranalai under R. Udaigiri PS under three FIRs all dated 16th March, 1999

   i) FIR Case No.10 of 16th March, 1999 of R. Udaigiri Police Station under Sections 396/436/147/148/149 IPC and 25 Arms Act, filed by Christian members against Kanhu Charana Paik, Lakhana Patra, Sankara Bhagasandha and villagers of Kusapalli, Nausahim Manikpur, Ptiapunsha, Gadara, Gangapur Raipur, Rankuda and Ruparasaingi.

   ii) FIR Case No.11 of 16th March, 1999 of R. Udaigiri Police Station under Sections 353/341/506/426/186/323 /332/324/34 IPC agianst Manual Pani, Amosh Satrusalya, Karniab Pani (all Christians) complaint filed by Shri Asit Kumar Mohanti, CI of Police, R. Udaigiri.

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iii) FIR Case No. 12 of 16th March, 1999 of R. Udaigiri Police Station under Sections 147/148/323/294/436/149 IPC and 3 of SC/ST(P.A.) Act filed by member of Hindu community against Manual Pani, Amosh Satrusalya, Isadeva Pani, Mathyu Satrusalya, Sankara Pani, Hekara Pani, Raju Pani, Jakhya Bira, Pravata Pala, Kurnilo Pani, Ipri Pani, Tuna Bira, Sudha Kara Beharta, Jeebita Pani, Sima Pani, Maheswara Babrata and others of village Ranalai (all are pana by caste).

Attack on Police Station, burning of Christian houses, jail breaking and killing of two under trial prisoners under R. Udaigiri Police Station registered under four different FIRs

i) FIR No.38 of 7th February, 1998 under Section 147/148/149/341/506 IPC and Section 7 of Criminal Law Amendment Act against Villagers of village Tuman (2) Nursingh; (3) Ghadakana; (4) Kadam Singh; (5) Sabarapalli; (6) Phatachanehada; (7) Sundaraba; and (8) Liyabo and others numbering about more than 150.

ii) FIR Case No.39 of 8th December, 1998 under Sections 147/148/149/336/337/427/452/341/436/506 IPC read with Section 3 of PDPP Act and Section 7 of Criminal Law Amendment Act against 3000 unknown persons of Souras tribe

iii) FIR Case No.40 of 8th December, 1998 under Sections 147/148/149/506/302/224/353/448 IPC against 1000 unknown persons of Souras tribe.

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iv) FIR Case No.41 of 8th December, 1998 under Sections 147/148/436/395/149 IPC against 500 unknown persons of Souras tribe.

About the first three incidents Mr B.B. Panda, who was DGP at the relevant time was explaining as to why he could not get time to see the progress of investigation of the case relating to Manoharpur incident as under

> "I could not get adequate time to see the progress of investigation of the case in as much as two incidents had happened in the State of Orissa. One was that of the rape of a nun which was projected and televised all over the world and was also projected as an attack on Christians which in fact it was not true and the case turned out to be false. The second incident happened at Raikia of Khandmal District where there was a case of rape and murder and that was again projected as anti Christian activity. But the investigation revealed that the murderer was a Christian and the girl who was raped and murdered, she and the boy who was murdered were also Christians. These two cases were projected as oppression against the Christians which in fact were not true. The above two incidents took place immediately after the incident of Manoharpur. In Gajapati District an incident happened on 8th December, 1998. In this incident two persons were killed one Hindu and one Christian and the persons who attacked them were both Hindus and Christians. It was not a communal incident.

First Incident

Sister Jacqueline Mary lodged a written report with P.S. Baripada Town on 4th February, 1999. She said on 3rd February, 1999 she came to Baripada to appear in an examination. After finishing her examination she

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reached near bus stand at about 6.00 p m. on her way back to her convent. An old lady, who was standing at the bus stand, drew the attention of Sister Jäcqueline Mary to an ambassador car parked on the road side. She approached the car. There were two persons in the car who looked like women. One of the two asked her if she would like to be dropped in her convent at K.C.Pur as they were going to Balasour Sister Mary said she accepted the offer as she was getting late. When she got into the car the person sitting on the back seat tried to molest her when she came to know that he was in fact a man in the garb of woman clothing. That man overpowered her, tied her eyes and mouth and raped her. At Gadadeulia on the way the car stopped as the person on the wheel wanted to come in the back seat. Sister Mary somehow managed to get out of the car, took a bus from Baisinga bus stand and reached Gadadeuilia convent and informed the sisters there about the incident. Sister Mary said she herself discouraged her colleagues from reporting the matter to the police as she said she wanted to be saved from further harassment. It is only after her superiors and her community gave her confidence and convinced her about the need to file FIR and thus to get justice done by lodging the culprits and punishing them, she lodged a complaint.

This incident led to great deal of resentment among Christian community Newspapers came up with headlines like "Orissa nun raped in moving car" The Hindu quoting UNI reported that the incident evoked

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strong resentment and protest from the Catholic Church Association which called for a protest day in four north Orissa districts on February 8. 'Pioneer' wrote that K.C Pur village "has become the rallying point of Christians of the area following the alleged rape of nun Jacqueline Mary who was in the service of the Church" Christian convent school teachers of Baripada block said: "Do not treat this as an isolated incident. A communal conspiracy was suspected behind the incident" Indian Express came up with the heading "Orissa's second stain: nun raped" Telegraph came up with the headline "Nun gangraped by men in sari in Orissa" The newspapers subsequently then came up with the reports that there was "no headway in Orissa nun rape probe"; report "fails" to confirm nun's rape; and "no evidence" of assault on nun.

The New Indian Express, Bhubaneshwar in its February 6, 1999 issue about a report from Washington, said that a bipartisan group of 24 influential US lawmakers, many of them India backers in the Congress, has written to Prime Minister Atal Behari Vajpayee expressing grave concern over increase in the anti-Christian violence in Gujarat and Orissa. It recorded then as saying: "We applaud your government for making 47 arrests in the Orissa killing as well as your visit to rural Gujarat where many of Christian churches have been burned"

As it would appear immediately after the case was reported, in the absence of proper information the press indulged in speculation and did

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not exercise restraint in their reporting. The press, on the basis of some statement made by the pastor of the church highlighted the role of some Hindu fundamentalist organisations behind the incident. Almost all the papers highlighted this issue and commented on the role of fundamentalists. It was termed as planned attack on the church. It was said that there was a role of communal forces. A totally distorted picture of the realities in Mayurbhanj and Balasore districts was reflected. Electronic media was not far behind The incident received wide coverage in electronic media. It was highlighted as an anti-Christian attack.

Investigation of the case, however, revealed that what Sister Mary said in the FIR was not true. It was a made up story. Investigation found that there was in fact no rape of sister Mary. On the basis of the report of sister Mary a case under section 366/376/34 IPC was registered. B.B. Panda, DGP, stated that the rape of "nun" case was projected and highlighted all over the world and was also projected as an attack on Christians which in fact it was not true and the case turned out to be false.

Second Incident

In the case of Raikia P.S. case No. 6(2) dated 7th February, 1999 it was again projected as an anti-Christian incident. On 7th February, 1999 Santosh Pradhan (age 10 years), Aswini Naik (age 16 years), Babula Pradhan (age 10 years) and Sunita Naik (age 19 years) of village Mandasaru, Police Station Raikia, District Kandamal, went out to collect

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broom-sticks at about noon time. At about 2.00 p.m. Babula Pradhan came running to the village and told the villagers that a person, who was identified as Ranjan Pradhan, dragged Sunita Naik and when she raised alarm and called for help, Aswini Naik and Santosh Pradhan ran to rescue her. The accused attacked Sunita, Santosh and Ashwani with his tangia. Seeing this Babula had run towards the village out of fear and informed the villagers. When they went to the spot they found Sunita Naik and Santosh Pradhan were lying dead on the river bed and Aswini Naik was lying unconscious. All of them sustained bleeding injuries on their heads. Front portion of the blouse of Sunita Naik was also lying open. Aswini was removed to the hospital in serious condition. The accused was not able to commit rape on the girl but there is sufficient evidence to prove that he attempted to commit rape on the victim girl. All the victims and the accused are Christians. Accused is also related to one of the victims.

This incident again attracted a great deal of publicity in the media including electronic media. Newspapers came up with the headings "Two Christians killed, one injured in Orissa"; "2 tribal Christians done to death in Kandhamal" and "Orissa hunts for Christians' killer" Additional D.G.P John Nayak reportedly said that the communal angle to the attempted rape and murder could not be ruled out but added that the assailant was not from Mandasur village and had gone to the forest with a purpose. The pastor of Mandasur Church, father Bernard Digal reportedly said that there

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was pressure from the Hindu groups for re-conversion but, the incident on Sunday could be the handiwork of anti-socials. He said though there were provocations from fundamentalist groups, there was amity between Hindus and Christians. It is not clear if at any subsequent stage John Nayak, Additional D.G.P issued any contradiction as it has been reported if that report is correct. A certain political party even blamed the State and Central Governments and stated that the inaction of the State Government in Manoharpur missionary killing incident and the alleged rape of nun in Baripada encouraged miscreants to commit yet another crime in Kandhamal. In short as per various reports appeared in the newspapers the incident was taken as an attack on the Christians.

As noted above, ultimately investigation revealed that the crime was committed by a relative of the victims who was also a Christian. B.B. Panda, D.G.P said that this case was also projected as an attack against the Christians which in fact was not true.

Third Incident

In the third incident there are three FIRs of the incident, which occurred on 16th March, 1999 in village Ranalai under P.S. R. Udaigiri, district Gajapati. FIR No. 11 has been filed by Asit Kumar Mohanty, CI of Police R. Udaigiri against some persons belonging to Christian community Other two FIRs are cross-cases filed by the community members of Hindus and Christians blaming each other. There are two

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reports on the incident – one dated 21st March, 1999 by the DIG, Sourthern Range, Berhampur and other is dated 28th March, 1999 joint report by District Magistrate and S.P of District Gajapati.

Village Ranalai is situated at a distance of 21 Kms. from Police Station R. Udaigiri. Majority of the inhabitants of the village are Christians. There are about 230 Christian houses and about 70-80 houses are owned by Hindus. At a nearby Khambari Hillock on a prominent rock a Cross was painted. Some miscreants disfigured the Cross and changed it into Trishul on 8th March, 1999. There was tension between the two communities. On 15th March, 1999 a peace committee of 20 persons, 10 from each community, was formed to sort out the differences. This was at the instance of the officials to defuse the situation. The peace committee decided that on the hillock there would be neither Cross nor Trishul and that the same shall be completely obliterated. Next day at around 11.30 a.m. Hindus went to the hillock and obliterated the disfigured sign. It is alleged that the Hindus shouted slogans at the hillock as if they had won a battle. This again led to tension. Police, it appears, was unable to control the situation. CI of Police, R. Udaigiri circle, alleged that he was manhandled by some members of the Christian community while doing his official duty to control the situation. CI made serious allegations in his FIR. On his report FIR case No. 11 of 16th March, 1999 was registered against three persons, all from Christian community, under Sections 353/341/506/426/186/323/332/324/34 IPC

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In the cross-complaints filed by the members of the Christian and Hindu communities they blamed each other for the occurrence where members of both the communities suffered injuries. FIR case No. 10 of 16th March, 1999 was registered on a complaint filed by member of the Christian community wherein it was alleged that members of the Hindu community fired gun shots and set fire to a house of Bankrajan Mohapatra. In FIR case 12 of 16th March. 1999, which was filed by member of the Hindu community, it was alleged that one Nakhetra Karada of Christian community set fire to the straw hill and went away But the fact remains that the fire resulted in burning down of 150 houses of the Christian community.

National Commission for Minorities sent a fact finding team to Ranalai, which submitted its report on 30th March, 1999. This special report prepared under Section 9(1)(h) read with Section 9(4)(e) of the National Commission for Minorities Act, 1992 was sent to the Central Government as well as to the State Government for necessary action. The special report was forwarded to this Commission by the Central Government "for appropriate action" Minorities Commission found that the genesis of the dispute lay in arousing the feelings of Hindus by supporters of BJP when they explained in a public meeting held on 1st February 1999 "the act and technique to be adopted in converting the Cross mark into Trishul" Minorities Commission found that earlier there

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were very cordial relations between the Hindus and Christians in the village and there were no ill-feelings among them. Minorities Commission then also came to the conclusion that it was Hindus who were responsible for creating the trouble. These findings are without examining any person on oath or receiving evidence on affidavits. The Minorities Commission also blamed the State Administration for its inaction. When the members of the Minorities Commission visited the village normalcy prevailed. Cases had already been registered against members of both the groups and there was also a case registered on the complaint by the CI of Police. Perhaps it would have been more appropriate for the Minorities Commission to leave the matters at that and not at arrive at any findings. The Special Report so submitted by the Minorities Commission could not be under Section 9(1)(h) read with Section 9(4)(e) of the National Commission for Minorities Act, 1992. If we see the provisions of that Act, Section 9(4) is applicable when the Minority Commission performs any of the functions mentioned in sub-clauses (a), (b) and (d) of sub-section (1). Here in the present case the Minorities Commission performed its functions under clause (h) of sub-section (1) of Section 9. Sub-section (4) of Section 9 empowers the Minorities Commission to summon witnesses and to examine them on oath; receive evidence on affidavits; issue commission for examination of the witnesses; etc. The fact finding team did not do any such act and in fact it was not empowered to do so when a Special Report is sought under clause (h) of sub-section (1) of Section 9.

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Further while the fact finding team has taken into consideration cross-complaints by members of both the communities in the Special Report, it is silent about the complaint made by the CI of Police on the basis of which FIR 11 of 16th March, 1999 was registered.

Varying reports of the incident appeared in the media both press and electronic. The incident, however, shows growing intolerance among the members of both the communities. A report appearing in the Economic Times dated 22nd March, 1999 states that roots of the Ranalai village incident in Gajapati district of Orissa in which houses of Christian families were burnt down by Hindu tribals of nearby villages, lie in the economic disparities prevailing between the two communities. The report further said that tension had been building up since the night of February 9, when 23 houses of Hindu families were burnt down by criminals belonging to the Christian community of the nearby Jhami Goan, 32 Km from this village and only 2 Km from the district headquarters of Parlakhamundi. The report further said that "The unfortunate incident was largely unreported and totally ignored by national and international media.

<u>Fourth Incident</u>

The fourth incident, which occurred on 8th December, 1998, also under R. Udaigiri Police Station, was projected as a dispute between the Hindus and Christians B B Panda, DGP, had stated that in this incident two persons were killed – one Hindu and one Christian – and the persons

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who attacked were both Hindus and Christians and that it was not a communal incident.

On the 8th December, 1998, irate tribals raided R. Udaygiri, attacked the police station, stormed the jail and after breaking open the jail dragged out two under trial prisoners and lynched them to death in front of the police station. Thereafter, they burnt a large number of houses of a particular caste of people (PANAS). Incidentally, the prisoners were also Panas and they were all Christian converts. The incident, taken by itself was not an anti Christian activity and the mob did not have any religious sentiments to protect or agitate for The gruesome incident was a result of administrative failure in controlling criminal activities by a particular group of criminals belonging to the converted Pana community. They had been harassing the tribals. The flash point was arrived when a few tribals were robbed of all their cash when they were proceeding in a bus to seek employment outside. The administration had intervened and had promised to get the culprits to book and return the stolen money. However, there was a lukewarm attitude on the part of the local administration to this issue resulting in the tribals taking law into their own hands.

These incidents led to registering of three cases: (1) FIR No. 39 dated 8th December, 1998 under Sections 147/148/333/336/337/427/ 442/341/ 436/506/149 IPC. (2) FIR No. 40 dated 8th December, 1998

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under Sections 147/148/506/302/324/353/448/149 IPC and (3) FIR No. 41 dated 8th December, 1998 under Section 147/148/436/395/149 IPC.

The Commission has been informed that the State of Orissa has appointed Mr Justice K.C. Jagadev Ray, a retired Judge of Orissa High Court under the Commissions of Inquiry Act, 1952 to inquire about both the incidents dated 8th December, 1998 and 16th March, 1999 pertaining to R. Udayagiri Police Station in Gajapati District with the following terms of reference

"1 Terms of reference of the R.Udayagiri incident occurred on 8.12.98

(i) To find out the agencies responsible for and the causes of the incident that took place on 8.12.98 at R. Udayagiri in the district of Gajapati resulting in death of two persons, burning of Government vehicles, Police Station and houses and breaking open of the Sub-Jail.

(ii) To analyse the sequence of events which ultimately resulted in such an unhappy incident at R. Udayagiri.

(iii) To find out lapses if any with the agencies/ persons responsible for maintenance of law and order and if adequate preventive steps were taken to avoid such an incident.

(iv) To find out the reasons for the anger and dissatisfaction of Adivasis and their adverse attitude, if any towards the administration machinery

(v) To suggest ways and means for restoring the amity between different groups in the R. Udayagiri area to obviate recurrence of such incident in future.

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2. Terms of reference of the Ranalai incident occurred on 16.3.99:-

(i) To find out the agencies responsible for and the causes of the incident that took place on 16.3.99 at Ranalai village under R. Udayagiri P.S. of Gajapati district resulting in burning of 157 houses, injury to 13 people including bullet injury to 3 persons.

(ii) To analyse the sequence of events which ultimately resulted in such unhappy incident.

(iii) To find out lapses if any which, the agencies/ persons responsible for maintenance of law and order and if adequate preventive steps were taken to avoid these incidents.

(iv) To find out the reasons for the anger and dissatisfaction of the Adivasis of R. Udayagiri and their hostile attitude if any, towards the Administrative machinery, also to find out the causes of animosities between Hindu and Christian communities in village Ranalai under R. Udayagiri P.S.

(v) Whether any external group or non-Governmental organisation was involved directly or indirectly in the incident and if so, the nature and extent of their involvement and motive thereof.

(vi) To suggest ways and means including administrative and other measures to obviate recurrence of such incident in future.

It is, therefore, not necessary to give any comment on these incidents.

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TRANSFERS OF IAS/IPS OFFICERS

One of the reasons for lack of intelligence and poor law and order situation existing in the State is frequent transfer of officers including that of District Magistrates and Superintendents of Police in the Districts. SP District also is the in-charge of the intelligence. To understand the Commission took into consideration up the situation prevalent in Keonjhar District and also the case of two officers Arun Kumar Ray, SP Keonjhar and Prakash Mishra, DIG (Crime Branch) It is undeniable that post of SP in the district is of vital importance. In his statement Panda, who was the DGP of Police, Orissa from 31 10.1997 till 5.3.1999 stated that posting of SPs in District is done by the State Government and not by the Director General of Police. Mr Panda said sometimes, Government does consult the Director General of Police for appointing, transferring or cancelling the appointment of SP of a District. Post of SP Keonjhar fell vacant on 15th December, 1998. S S. Hansdah, SP (Vigilance), Behrampur was posted as SP Keonjhar He did not join. The State Government cancelled that order within a fortnight There is nothing on the record to show as to why the appointment of S S. Hansdah was cancelled. Panda said he was not consulted when Hansdah was appointed and when his appointment was cancelled. Thereafter the State Government appointed Arun Kumar Ray as SP Keonjhar Again Panda was not consulted. Ray, however, did not join his posting in Keonjhar because only two months earlier he had been transferred to Cuttack and was posted in the Crime Branch. He

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represented to the Home Secretary against his transfer as he had come to Cuttack on transfer only two months earlier and he was also getting treatment for his wife. Government did not pass any order on the representation of Mr. Ray. Panda said he did take up the matter on behalf of Ray with the Home Secretary and requested the Home Secretary to post another officer to Keonjhar as SP Ray did not join his duty at Keonjhar and did await response from the Home Secretary at the suggestion of Panda, DGP himself After the incident of Manoharpur, however, Government passed orders requiring Ray to join the post immediately which he did on 27th January, 1999.

To understand the terrain of the District Keonjhar, it takes about four to six months time for the SP As to why Dara Singh, the prime accused in the case, could not be arrested the reason given by various police officers was that there was a forest cover in the district of Keonjhar and places were not easily accessible. Ray appeared as witness before the Commission on 15th April, 1999. Then it was published in the New India Express dated 1st May, 1999 that Ray has been transferred to Ganjam.

Prakash Mishra, DIG, CID Crime was overseeing the investigation of the subject crime till it was taken over by the CBI. Prakash Mishra was attached with the Commission Newspaper report dated 5.5.99 in the New India Express also indicated that Prakash Mishra had also been

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transferred and posted as DIG (Technical). Newspapers also gave reports of massive reshuffle of SPs and other higher officials in the Police. All this led the Senior Counsel for the Commission to move an application on 6.5.99 requiring the State Government to inform the Commission as to under what circumstances Ray and Mishra have been transferred and reasons for the said transfers when the Commission was still proceeding in the matter with reference to Manoharpur incident of Keonjhar District. Since no suitable reply from the State Government was forthcoming except for stating that these were routine transfers forming part of a chain, the Commission thought it fit to examine D.K. Mohapatra, presently working as DGP who had earlier appeared as witness, and the Home Secretary, Government of Orissa to understand how these transfers took place. Certain records relating to the transfer of SPs were also produced. These reflect the sorry state of affairs. Transfer of Ray was cancelled and, no doubt, Mishra was given another posting in Bhubaneshwar itself with a direction to remain attached with the Commission. From the statements of Panda and D.K. Mohapatra, both DGPs, it does appear to me that normally DGP is not consulted while posting a particular SP to a District.

The record relating to transfer of IPS officers is a file having 13 pages. The file begins with the noting dated 12.3.1999 from A.K. Tripathi Home Secretary. After the noting is seen by the Chief Secretary and the Minister of State (Home), the proposals are approved on the same day by the Chief Minister with some modifications. The proposals are again

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modified in respect of three officers under the orders of the Chief Minister dated 20.3.1999. Again noting dated 23.3.1999 shows some more modifications are sought for the postings and the file is marked to the Chief Minister. Nothing happens and thereafter noting dated 29.3.1999 effecting transfers and earlier proposals are cancelled. This note starts as follows

> "some proposals for transfer of Police Officers were sent earlier for approval of the Hon'ble Chief Minister. A comprehensive proposal for transfer of Officers of different cadres from the rank of Superintendent of Police to the Additional D.G of Police is proposed now. The previous proposals submitted earlier may be treated as superseded. The changes that are proposed have been discussed with the Chief Secretary, Minister(S), Home and the hon'ble Chief Minister today.

There is a proposal for transfer of two officers of additional DG of Police, three of the rank of IG Police, 10 of the rank of DIG of Police and 22 of thee rank of SP These proposals as usual after taking nod from the Chief Minister etc. were approved on the same day. Notification regarding transfer of all these officers except four is also issued on the same day Four remaining officers were promoted to IPS rank and then posted. This notification was issued on 30th April, 1999 Then comes the noting dated 4th May, 1999 of the Home Secretary which was put up to the Chief Secretary on the same day and approved by him. Thereafter the file does not show if this noting was further approved and as to what happened thereafter This noting is as under

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"Many IPS officers who have been transferred have come and represented before the DG of Police regarding their difficulties in transfer Some other administrative inconveniences were also pointed out by the DG which would require minor modifications in the transfers. The file is therefore submitted to CM through CS and Minister of State to effect the minimum number of changes as essentially required."

As to how DGP looked at the transfers of SPs, it would be more appropriate to refer to some part of the statement of Mohapatra relevant to this issue

"Q. Whether you have been consulted when there was any transfer of the police officers?,

A. In some cases I was consulted.

Q. Why not in all?

A. Earlier there was a chain of transfer, out of which a few were modified. The earlier chain was about three weeks ago. In that chain however, I was consulted.

Q. What is the duration of a Superintendent of Police in a district?

A. It varies from district to district. Normally a Superintendent of Police continues in a district for two years.

Q. Can you say how much time the SP will take to know about a particular area?

A. one Superintendent of Police will take three to four months time to familarise himself in the district of Keonjhar which consists of mountainous and forest areas.

Q. Why it was thought expedient to transfer Mr Ray, Superintendent of Police, Keonjhar within three months

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period when all efforts are being taken to nab Dara Singh in the Manoharpur crime?

A. Mr Ray expressed his desire to take some leave and in that regard we had to make some arrangement in his place. This was an oral request.

Q Has this been recorded in this file?

A. No.

Q. Did you make any representation to the State Government to shift Mr Ray from Keonjhar?

A. In our practice we do not give any representation to the State Government. We discuss the matter with the C.M., Home Minister, Chief Secretary and Home Secretary. This fact was mentioned by me to all the above functionaries before the order was passed, but I cannot tell the exact date.

Q. Kindly see the record and tell the Commission if this fact is mentioned anywhere?

A. This fact has been mentioned at page 13 of the notesheet prepared by the Home Secretary on 4.5.99 and on the same date it was mentioned that some police officers who have been transferred came and represented before Director General of Police regarding the difficulties in transfer There is no specific record in my note as to which of the officers approached menor in my representation to the State Government which officers will be transferred in whose place. The Home Secretary keeps mental note of all these and prepares the note as mentioned earlier.

(The witness adds that sometime the home Secretary also makes a draft note on a paper).

I agree that transfer of police officers should take place on the basis of some rational stand.

Q. The file bearing No.I.P.S./1-1/99-pt.(viii) is being shown to you. Can you say the basis on which this transfer has been made?

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A. The policy of transfers particularly, officers in the rank of Superintendent of Police and above is formulated by the State Government. Whenever there is a change of Government, the new Government take initiative to bring changes amongst the officers. However, the transfer policy followed by the police the minimum tenure is two years or more. Sometimes, when we get complaints or allegations from the public against the officers, we do transfer them.

To answer all these questions, Mr. Mohapatra requests for some time as he was out on tour and returned last night. He shall give reply tomorrow.

The witness has been shown the file bearing No.IPS/1-1/99-pt.(viii).

Q Is this the same file bearing No. IPS/1-1/99-pt.(vii) pertains to the transfer and posting of I.P.S. officers of various rank?

A. This file is maintained by the Home Department and not in the office of the Director General of police. The officer of the Director General of Police is a separate entity at Cuttack.

Q. Did you maintain the records containing the details regarding the proposals sent for transfer of police officers (IPS Officers)?

A. The proposals are formulated either on paper or during the verbal discussion with the Home Secretary. Chief Secretary, Home Minister and Chief Minister. We do maintain some records of proposal for transfer of IPS Officers. In some cases when it is mooted in the Government level, their records are not kept in the Director General of Police's office.

Q. Do you agree that the power, transparency of Senior Police Officers (IPS Officers) is an important part vested in the State Government, which must be exercised reasonably and carefully?

A. I agree

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Q. Do you agree Mr. Mohapatra that in order to ensure careful exercise of such power, there must be transparency in the criteria of transfer?

A. I agree.

Q. Do you agree that transparency in Government functioning would be reflected in the records?

A. I agree that the transparency should be reflected in the file but that is always not possible in the working of Government. In the files, we have some proposals for transfer of police officers.

Q. Is there any record in the office of DGP giving proposals for transfer of any of those officers?

A. In some cases we have records and in some cases we do not have full records of proposals in my office. In case of officers going on leave, retirement or when there is occasion for us to maintain records e.g. the officers going on deputation or on transfer, we maintain the same. In the case of Mr. A.K. Ray, the Superintendent of Police, he had actually applied for leave for the treatment of his wife and on that leave application, we also sent another name for posting in his place so that he can proceed on leave. Because of my intervention and as he was handling an important case, I persuaded him not to go on leave for some time. He is also under the active consideration for deputation to a Central Police Organisation, New Delhi and in that case his case would come up for his transfer from Keonjhar district.

I have brought the file relating to the transfer of Mr A.K. Ray. In this case Mr. Ray had given an application on 23.3.99 for availing 10 days earned leave i.e. from 8.4.99 to 17.4.99 for treatment of his wife etc. The subject of the application is 'grant of 10 days E.L. in favour of Sri A.K. Ray, I.P.S., Superintendent of Police, Keonjhar to avail L.T.C. to proceed Mumbai and Goa and medical treatment of his wife' This application was recommended by Sri B.B. Mohanty. IPS. Special IG of Police (Admn.). This recommendation was sent to the State Government which however declined to grant leave to Mr. A.K. Ray on the ground that Dara Singh, the principal accused in the murder of Mr Staines and his two children was yet to be apprehended.

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Q. Mr. Mohapatra, you just now told the Commission that Mr. Ray wants to consider his application for leave so that he can move out of headquarters. What steps you have taken?

A. In the end of April, 1999, Mr. A.K. Ray, SP, Keonjhar again requested me for relief to attend treatment of his wife and also that he was expecting his deputation to a Central police Organisation, New Delhi. I, however, told him to hold on because Wadhwa Commission of Inquiry was in progress.

Q. That being the position, please state on what grounds or basis his transfer was taken up?

A. As he was making requests to consider his case and to give decision on that account, his transfer was taken up. This was, however, on an oral reference to Government.

Q. The Government in its decision while rejecting the application of Mr. Ray for 10 days leave in view of the present circumstance relating to tracing of Dara Singh, do you agree that in this circumstances the transfer of Sri Ray was justified?

A. Yes.

Except the files of Mr. A.K. Ray and Mr. Prakash Mishra, I do not have any file of other officers with me now, on whom proposals have been initiated from my office. After the application I.A.11/99 was filed before the Commission, the transfer of these two persons have been recalled. Mr. A.K. Ray has been allowed to continue as SP, Keonjhar and Mr. Prakash Mishra has been posted as Director (Sports) at Bhubaneswar with direction to assist the Commission.

Q. Do you agree that functioning requirement and capabilities alone should decide the transfer?

A. It is correct that capability is one of the factors.

Q. Apart from the transfer of Mr. A.K. Ray and Mr. Prakash Mishra, whether the transfer in relation to other officers are the result of the oral and verbal discussion?

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A. In some instances yes. Also in some cases, allegations came from various channels, from ordinary man of the street to well known persons of the State. When there is allegation of corruption filed by many persons and if the enquiries are not complete, it is not proper to attach stigma to any officer for such allegations.

Q. Is it not that the IPS Officers are high ranking officers having the responsibilities to perform. Is it that you have to deal with them the way you have told us?

A. Actually unless the enquiry is completed, it is difficult to attach any stigma to any officer for which we do not mention about the enquiry of any pending. From the file of the Home Department and what I have brought today, I cannot find any file in which allegation is pending against any officers who have been transferred and nature of enquiry if any. However, I have in my memory the enquiry which are pending against some officers. It is not correct to attach stigma to any officer pending enquiry. It is the Chief Minister who is the highest authority to transfer the IPS Officers.

Q. Is it correct to say that the picture which you gave to the Hon'ble Chief Minister alone determines the position?

A. No.

The present Chief minister, Mr. Giridhara Gomango took over as the Chief Minister in February 1999 and the proposals of transfer of the IPS Officers were initiated in March 1999.

Q. On what basis these mass transfers took place?

A. There is a general circular regarding the policy of transfer. The first Circular was issued in the year 1955 and thereafter, there have been some changes to it. Such circular was also issued in the year 1998. The circular says that normally an IPS Officer can continue in a district for three years which can be extended maximum upto five years.

Q. Since you are a police officer with years of experience, can you say whether the transfers and proposals of such

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transfers actuated by the political interference, such as local M.P./M.L.A.?

A. Yes. There has been cases in the past. Political people used to take up the matters with the Chief Minister."

Mr. A.K. Tripathi, Home Secretary in his deposition said

"As the Home Secretary, I deal with the files relating to transfer of senior IPS officers, though I am not the decision making authority.

Q. Please tell this Commission in brief, how the proposal for transfer emanates and how the decision is taken?

A. The proposal emanates from the office of the Director General of Police. Some proposals also emanate from the Home Department and from the Government, i.e., the Home Minister and the Minister for State, Home. Proposal can also emanate from the Home Secretary as well.

As far as my experience goes, no proposal in writing is received from the office of the Director General of police. Discussions, however, do take place between me and the Director General regarding the proposals for transfer of IPS Officers.

Q. Does the record contain sufficient data/information in relation to individual officers at the time of consideration of the proposals for transfer?

A. Yes. We do have such records.

Q. Please see the file relating to the present transfer, i.e., File No.IPS 1-1/99 Part VIII and state if necessary data is available in the same?

A. This file does not contain necessary data for transfer of the officers.

(The witness adds Service records of all officers are available in the Department. Their performance reports, their records, their representations, their grievances, their preferences, their requests for central deputation; all these matters are available in different files of the

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Department and in different notes and different correspondences. Their previous postings, their experience in solving problems in different districts, data of their home district, etc., are also available in the Department in different files and records).

Q. When you put up the present file before the Chief Secretary, or the Home Minister, or the Chief Minister, did you make a comprehensive note.

A. No.

Q. Do you send all the files of the officers under transfer orders to the Chief Minister?

A. We do not send any such record. The Chief Minister may, however, call for the same.

Q. Did the Chief Secretary, Home Minister or the Chief Minister call for the records in this case?

A. Since all these proposals were discussed and finalised after due deliberation between the Director General of Police, Home Secretary (myself), Chief Secretary, Minister of State, Home Affairs, and the Chief Minister, it was not necessary to submit all the files of the officers proposed to be transferred.

Q. Does the record bear out the application of any rational principle in the matter of transfer of IPS officers?

A. This files does not.

Q. Is there any other file which bears out this principle?

A. Since I have not dealt with the earlier files, I would not be able to say.

Q. Whom do you hold responsible for the incident that took place at Manoharpur – the police or the District Magistrate?

A. Both. It is the District Magistrate who is the head of administration of law and order in the district. Police assists him in maintaining the law and order.

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Q. Transfer of IPS Officers is a serious matter. Why do you not ask for the proposal from the Director General of Police in writing?

A. It is a serious matter. Since it has not been the practice adopted here, I did not ask for written proposal. Henceforth, we will have the proposal for transfer in writing from the Director General of Police."

If we take the case of Mr. A.K. Ray whose application for 10 days leave was not approved on the ground that Dara Singh had not yet been arrested and yet he was transferred out of the District would only show that these transfers are made not on any reasonable basis rather it reflected an arbitrary exercise of powers. From the case of A.K. Ray, it appears that the transfers are illogical and irrational. Nobody knows for how many days a particular officer remained posted to a particular post. I am not satisfied with the replies given by D.K. Mohapatra DGP. I wished he could have been more forthright in his replies. It does appear to me that DGP is normally not consulted by the effecting of transfers of SPs and officers of the high rank. This is rather unfortunate state of affairs which existed in the State.

State Government through the Advocate General filed transfer policy of IPS Officers posted as SPs In the State. I reproduce the same

"Transfer Police of IPS Officer posted as SPs.

Transfer of IPS officers posted as SPs is proposed by the Home Department in consultation with the Director General of Police, Home Secretary and Chief Secretary and others. The material input include the

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details of service records, representations, allegations etc. as elaborated in the deposition of Home Secretary. The proposal is routed through Home Minister and finally approved by the Chief Minister. The Government have presently decided to set up a Committee headed by the Chief Secretary with Home Secretary and DG of Police as members. The Committee shall scrutinise and suggest transfers. Though collective decision – making process is available for deciding on transfer and posting of IPS Officers as SPs, no formal policy in terms of defining sensitive areas stipulating a minimum duration of tenure and consequential selection of appropriate personnel with appropriate attitude are not manifest in the process. In other words, though a collective decision – making process ensures reasonable objectivity, there appears to be no pre-determines criteria on the basis of ground realities/necessities. The order of transfers of SPs during the last five years, indicating the different tenures of an SP in a District are indicated hereunder

a.	Completed more than 2 year	19
b.	1 and half to 2 years 13	
c.	1 to 1 and a half years	10
d.	Half to 1 year	24
e.	Less than 6 months	13.

It may, therefore, be necessary to take into consideration the ground of realities of sensitivity and the peculiarities of the areas. The same ought to condition the selection of type of officers depending on their attitude, service records etc. and the tenure should be minimum 2 to 3 years. Departure from the above ought to be on the basis of reasons recorded in writing (If the material is considered to be an adverse nature to the officer concerned, the administrative material could be kept confidential/secret)."

Learned Advocate General submitted that henceforth minimum tenure for posting of SP in a district would of two to three years and material shall exist on the record to show why the State Government

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thought it necessary to shift the officer before his completing the tenure of two to three years.

Then the record also shows that the District Magistrates and Superintendents of Police do not know the language of the tribals or sensitive to their customs or usages. In order to effectively administer the districts inhabited by tribals, these officers must know their psyche. It would be more appropriate if IAS and IPS officers doing their course at their respective academies are taught about the tribals, their habits etc. These would apply to the officers who are in the cadre of states having tribal populations like Assam, Bihar, Madhya Pradesh and Orissa. When the officers who are outside the States are taught the language of the State to whose cadre they are placed, they can also be given lessons on the tribals and their welfare.

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REV. K.A. PAUL'S VISIT TO MANOHARPUR

On 26th February, 1999, rev. K.A. Paul who is described as an international television speaker on the Gospel arrived at Manoharpur by a helicopter along with three others, offered prayers at the Manoharpur church and then left. At around the same time when the helicopter landed, a car arrived at the spot with one Prakash Babu. They then took Ralia Soren, Chaitanya Murmu, Samson Marandi and Damodar Murmu by car to Kakinada in Andhra Pradesh. Rev. Paul took away these persons for a meeting in Kakinada although the Commission was notified by then and that these persons were important witnesses required to depose before the Commission and also required for the investigation being conducted by the crime branch. These persons were then paraded before a meeting as persons who were from the village where Graham Staines was burnt to death. Ralia Soren however says that he had met Paul before at Balasore. Rev Paul had hired a helicopter of Mesco Airlines. He wanted to contact Mrs. Staines so that she may join him in his prayer at Manoharpur and sent his representative one Prakash to meet her. She, however, declined the request. Paul runs an organization called Gospel to the Unreached Millions, which is registered in Houston, USA and runs a Bible college in Gum City (20 Kms. short of Vizag). None of those who went from Manoharpur to this meeting in Kakinada, however, knew the purpose of the meeting. I may note that the National Council of Churches in India has disowned Rev Paul and asked all its members not to

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associate with him. This is from the communication dated 9th March, 1999 from the National Council of Churches in India to all the heads of churches and missionaries in India. Gladys Staines in her testimony said she did hear of Rev. K.A. Paul and that he tried to contact her through someone or through letter. She said she did not know Rev. Paul personally. She, therefore, did not go either to Manoharpur or to Kakinada. It is not understood why Rev. Paul would come to Manoharpur by spending such an amount and then almost whisk away four residents of the village to Kakinada and for whose benefit.

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IRONY OF SHOUTING 'BAJRANG BALI KI JAI'

The Commission asked the witnesses appearing before it as to what they understood by the slogan 'Jai Bajrang Bali' or who is 'Bajrang Bali' They said they did not know. Commission then asked Mr. Gopal Subramanium, senior counsel to the Commission and Mr. L.R. Gupta, senior advocate, who appeared along with Mr. C.S. Vaidyanathan, Additional Solicitor General, for Central Government, to address as to what is the slogan meant.

'Bajrang Bali', whose name is also 'Hanuman' is a great Hindu God revered and worshipped all over the country. The slogan 'Jai Bajrang Bali' is chanted in temples in praise of 'Bajrang Bali', who is the repository of many virtues. To millions of devotees 'Hanuman' is the ever-living, ever-present Deity, showering his grace on the devotees and who resorts to inscrutable ways. 'Hanuman' was the greatest of warriors in those days. As a great warrior, a great scholar, a sincere friend, minister, ambassador, as one who was wedded to truth and righteousness, a servant and outstanding devotee of Lord Rama, Hanuman exhibits the traits that no other Indian creation does. It is difficult to describe all the virtues of 'Hanuman' as described in the epic Ramayana and expounded before me by the learned counsel in their scholarly way except to say that 'Bajrang Bali' signifies (1) learning (2) incessant devotion to Lord Rama (3) tenderness and (4) strength of purpose. 'Bajrang Bali' set Lanka to fire to

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kill Demons. Here Dara Singh, a notorious criminal and his followers set vehicle on fire killing a missionary, who spent most part of his life looking after leprosy patients and spreading the Gospel, and his two innocent children. By shouting slogans after committing the most condemnable outrage they did a sacrilegious act in shouting slogans in praise of 'Bajrang Bali'

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FREEDOM OF RELIGION

Article 25 of the Constitution grants right to freedom of religion. This article is as under

> "**25. Freedom of conscience and free profession, practice and propagation of religion.-** (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.
>
> (2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—
>
> (a) regulating or restricting, any economic, financial, political or other secular activity which may be associated with religious practice;
>
> (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.
>
> *Explanatiol I.*—The wearing and carrying of *kirpans* shall be deemed to be included in the profession of the Sikh religion.
>
> Explanation *II.*—In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly."

Article 25 was Article 19 in the Draft Constitution, which was adopted by the Constituent Assembly. A great deal of discussion took place on the word "Propagate" Members spoke for and against the use of the word. The last speaker was Shri K.M. Munshi after which the Vice

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President, who was in the Chair, called upon Dr. B.R. Ambedkar to reply.

I reproduce the proceedings at that stage: -

"Shri K.M. Munshi (Bombay: General): Mr. Vice-President, Sir, I have only a few submissions to make to the House. As regards amendment No. 607, moved by my honourable friend, Prof. K.T Shah, I entirely agree with him that the word 'Hindu' used in this section should be widely defined. As a matter of fact, the Hindu Bill which is now before this House in its legislative capacity has defined 'Hindu' so as to include the various sub-sections, but it will be more appropriate to have this definition in the interpretation clause than in this.

I have only a few words to say with regard to the objections taken to the word "propagate" Many honourable Members have spoken before me placing the point of view that they need not be afraid of the word "propagate" in this particular article. When we object to this word, we think in terms of the old regime. In the old regime, the Christian missionaries, particularly those who were British were at an advantage. But since 1938, I know, in my part of Bombay, the influence which was derived from their political influence and power has disappeared. If I may mention a fact within my knowledge in 1937 when the first Congress Ministry came into power in Bombay, the Christian missionaries who till then had great influence with the Collectors of the Districts and through their influence acquired converts, lost it and since then whatever conversions take place in that part of the country are only the result of persuasion and not because of material advantages offered to them. In the present set up that we are now creating under this Constitution, there is a secular State. There is no particular advantage to a member of one community over another; nor is there any political advantage by increasing one's fold. In those circumstances, the word 'propagate' cannot possibly have dangerous implications, which some of the Members think that it has.

Moreover, I was a party from the very beginning to the compromise with the minorities, which ultimately

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led to many of these clauses being inserted in the Constitution and I know it was on this word that the Indian Christian community laid the greatest emphasis, not because they wanted to convert people aggressively, but because the word "propagate" was a fundamental part of their tenet. Even if the word were not there, I am sure, under the freedom of speech which the Constitution guarantees it will be open to any religious community to persuade other people to join their faith. So long as religion is religion, conversion by free exercise of the conscience has to be recognised. The word 'propagate' in this clause is nothing very much out of the way as some people think, nor is it fraught with dangerous consequences.

Speaking frankly, whatever its result we ought to respect the compromise. The Minorities Committee the year before the last performed a great achievement by having a unanimous vote on almost every provision of its report.

This unanimity created an atmosphere of harmony and confidence in the majority community. Therefore, the word 'propagate' should be maintained in this article in order that the compromise so laudably achieved by the Minority Committee should not be disturbed. That is all that I want to submit.

Mr. Vice-President: I have on my list here 15 amendments, most of which have been moved before the House. I should think that they give the views on this particular article from different angles We had about seven or eight speakers giving utterance to their views. I think that the article has been sufficiently debated. I call upon Dr. Ambedkar to reply.

The Honourable Dr. Ambedkar: Mr. Vice-President, Sir, I have nothing to add to the various speakers who have spoke in support of this article..

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Law on Conversions

There is an Act in Orissa called the Orissa Freedom of Religion Act, 1967 (for short, the 'Freedom of Religion Act') which prohibits conversion from one religion to another by the use of force or inducement or by fraudulent means The Act has only seven sections. 'Conversion' has been defined to mean renouncing one religion and adopting another. 'Force' shall include a show of force or a threat of injury of any kind including threat of divine displeasure or social ex-communication; 'fraud' shall include misrepresentation or any other fraudulent contrivance; inducement' shall include the offer of any gift or gratification, either in cash or in kind and shall also include the grant of any benefit, either pecuniary or otherwise [clauses (b), (c) and (d) of Section (2) of the Freedom of Religion Act]. Sections 3, 4, 5, 6 and 7 are as under

> "3. No person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by inducement or by any fraudulent means not shall any person abet any such conversion.
>
> 4. Any person contravening the provisions contained in section 3 shall, without prejudice to any civil liability, be punishable with imprisonment of either description which may extend to one year or with fine which may extend to five thousand rupees or with both
>
> Provided that in case the offence is committed in respect of a minor, a woman or a person belonging to the Scheduled Castes or Scheduled Tribes the punishment shall be imprisonment to the extent of two years and fine up to ten thousand rupees.

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5. An often under this Act shall be cognizable and shall not be investigated by an officer below the rank of an Inspector of Police.

6. No prosecution for an offence under this Act shall be made without the sanction of the Magistrate of the District or such other authority, not below the rank of a Sub-divisional Officer, as may be authorised by him in that behalf.

7 The State Government may make rules for the purpose of carrying out the provisions of this Act.

Though Act is of 1967 Rules under Section 7 of this Act were notified only on 29th November, 1989. There are only nine rules. Under the Rules, 'organisation' means a body of persons authorised by religious institutions who expound spiritual thoughts of different religious inside and outside the country and 'religious institutions' means different religious authorities, who expound religious thoughts in the country and abroad [clauses (b) and (c) of the Rules). Rules 3 to 9 are as under

"3(i) Each District Magistrate shall maintain a list of religious institutions or organisation propagating religious faith in his district and that of persons directly or indirectly engaged for propagation of religious faith in the district.

(ii) The District Magistrate, if he thinks fit, may call for a list of persons with the religious faith, receiving benefits either in cash or in kind from the religious organisations or institutions or from any person connected therewith.

4. Any person intending to convert his religion, shall give a declaration before a Magistrate, 1st Class, having jurisdiction prior to such conversion that he intends to convert his religion on his own will.

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5.(1) The concerned religious priest shall intimate the date, time and place of the ceremony in which conversion shall be made along with the names and addresses of the persons to be converted to the concerned District Magistrates before fifteen days of the said ceremony.

(2) The intimation shall be in Form A and shall be delivered either personally by the Priest to the concerned District Magistrate or be sent to him by registered post with acknowledgment due.

6. The District Magistrate on receiving the intimate from the priest shall sign thereon stating the date on which and the hour at which the intimation has been delivered to him or received by him and shall forthwith acknowledge the receipt thereof in Form B.

7 The District Magistrate shall maintain a register of conversion in Form C and shall cover therein particulars of the intimation received by him.

8. Any person who contravenes the provisions of rule 5 or 6 shall be liable to a fine of rupees one thousand.

9. The District Magistrate shall by the 10th of each month send to the State Government a report of intimations received by him during the preceding month in Form D."

Forms are also prescribed under the Rules.

No one was aware of the Freedom of Religion Act or the Rules framed thereunder in the State and at least in the districts of Mayurbhanj and Keonjhar. These provisions of law were lying dormant and never put into operation for the last many years. Admittedly, there were conversions to Christianity in these two districts. No person intending to convert his religion ever gave declaration before a Magistrate prior to such conversion

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of his intention to convert his religion on his own will which was the requirement of Rule 4. Similarly also the concerned religious priest did not give intimation of such conversion as per Form A under the Rules. District Magistrate did not maintain a register of conversion as per Form prescribed. Since they did not made any record of conversions, they did not send any report of conversion to the State Government.

Mr. Balakrishnan, District Magistrate, Mayurbhanj and Mr. Saurabh Garg, District Magistrate, Keonjhar were examined to know if any action taken under the Freedom of Religion Act and the Rules framed thereunder. They expressed ignorance of the provisions of law relating to conversion and said that they became aware of these only after the incident at Manoharpur on the night of 22/23.1.1999. To me, it appears even now they do not understand the full scope and intent of the provisions of the Orissa Freedom of Religion Act and the Rules. These are salutary provisions and prohibit conversion from one religion to another by the use of force, inducement or by any fraudulent means. Even any such abetment to conversion has been made an offence. If these provisions of law, in my view, are strictly followed no one can have any grievance to contend that gullible and innocent tribals are being converted.

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Although the Freedom of Religion Act does not define reconversion, conversion would include reconversion as well though that may be going back to one's original religion.

Status report from the learned Advocate General regarding was called registration of cases under the Freedom of Religion Act in the State of Orissa. His report is as under

"(i) Constitutional vires of the Act was under challenge. The rules under the Act were framed in 1989. Effectively, the Act become implementable from 1990 onwards and figures of prosecutions from 1994 onwards have been complied.

(ii) Number of cases registered 10

The status of 10 cases is as follows:

Status	No. of cases	District
Accused discharged	1	Nawrangpur
Acquitted	1	Nawrangpur
Final report submitted	2	Phulbani/ Gajapati
Pending trial	6	Nawrangpur - 3 Koraput 1 Rayagada 1 Gajapati - 1

Law does not require that the person intending to convert his religion should give reason and rightly so because religion is ones own affair and belief. 15 days notice under Rule 5(1) of the Rules would also appear to be correct as that would give sufficient time for a person seeking conversion to reflect. If the provisions of law regarding conversion are

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properly followed, as said earlier, it will stop unnecessary criticism of wrong conversions.

Constitutional validity of the Freedom of Religion Act came for consideration before the Supreme Court in Rev. Stainislaus vs. State of Madhya Pradesh [AIR 1977 SC 908]. Supreme Court was considering the constitutional validity of two provisions – one of the Orissa Freedom of Religion Act, 1967 and second, the Madhya Pradesh Dharma Swantatraya Adhiniyam, 1968. Provisions of both these Acts in so far as they relate to prohibition of forcible conversion and punishment therefor were similar and the questions which had been raised before the Supreme Court were common to both of them. The common questions which were raised were

> "(i) whether the two Acts were violative of the fundamental right guaranteed under Article 25(1) of the Constitution, and
>
> (ii) whether the State Legislatures were competent to enact them?"

It was submitted before the Supreme Court by counsel for Rev. Stainislaus, the appellant, that "the right in 'propagate' one's religion means the right to convert a person to one's own religion. On that basis, counsel has argued further that the right to convert a person to one's own religion is a fundamental right guaranteed by Article 25(1) of the Constitution" The Supreme Court considered the expression 'propagate' as defined in the Shorter Oxford Dictionary and the Century Dictionary

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(which is an Encyclopedic Lexicon of the English Language) respectively to mean "to spread from person to person, or from place to place, to disseminate, diffuse (a statement belief practise, etc.)" and "To transmit or spread from person to person or from place to place; carry forward or onward; diffuse; extend; as to propagate a report; to propagate the Christian religion." Then the Court held

> "We have no doubt that it is in this sense that the word 'propagate' has been used in Article 25(1), for what the Article grants is not the right to convert another person to one's own religion, but to transmit or spread one's religion by an exposition of its tenets. It has to be remembered that Article 25(1) guarantees "freedom of conscience" to every citizen, and not merely to the followers of one particular religion, and that, in turn, postulates that there is no fundamental right to convert another person to one's own religion because if a person purposely undertakes the conversion of another person to his religion, as distinguished from his effort to transmit or spread the tenets of his religion, that would impinge on the "freedom of conscience" guaranteed to all the citizens of the country alike.

After examining its earlier decision on Article 25 of the Constitution in Ratilal Panachand Gandhi vs. The State of Bombay [AIR 1954 SC 388], the Court said that:

> "we find no justification for the view that if grants a fundamental right to convert persons to one's own religion. It has to be appreciated that the freedom of religion enshrined in the Article is not guaranteed in respect of one religion only, but covers all religions alike, and it can be properly enjoyed by a person if he exercises his right in a manner commensurate with the like freedom of persons following the other

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religions. What is freedom for one, is freedom for the other, in equal measure, and there can, therefore, be no such thing as a fundamental right to convert any person to one's own religion."

Supreme Court negatived the contention that the legislatures of Madhya Pradesh and the Orissa State did not have legislative competence to enact these laws under Entry 1 List II of Seventh Schedule of the Constitution and said that the expression 'public order' is of wide connotation and again referred to its earlier two decisions in Ramesh Thapar vs. The State of Madras [AIR 1950 SC 124] and Ramjilal Modi vs. State of U.P. [AIR 1957 SC 620]. In Ramesh Thapar's case the Supreme Court said that

"In Ramjilal Modi's case, the Court 'Public Order' is an expression of wide connotation and signifies state of tranquility which prevails among the members of a political society as a result of maternal regulations enforced by the Government which they have established."

The Court further held that:

"the right of freedom of religion guaranteed by Articles 25 and 26 of the Constitution is expressly made subject to public order, morality and health, and that

"it cannot be predicated that freedom of religion can have no bearing whatever on the maintenance of public order or religion cannot under any circumstances be said to have been enacted in the interests of public order

The Supreme Court then said as under

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> "it has been held that these two Articles in terms contemplate that restrictions may be imposed on the rights guaranteed by them in the interests of public order. Reference may as well be made to the decision in Arun Ghosh vs. State of West Bengal [AIR 1970 SC 1228 = (1970 Cri.L.J. 1136] where it has been held that if a thing disturbs the current of the life of the community and does not merely affect an individual, it would amount to disturbance of the public order. Thus, if an attempt is made to raise communal passions, e.g., on the ground that some one has been "forcibly" converted to another religion, it would, in all probability, give rise to an apprehension of a breach of the public order, affecting the community at large. The impugned Acts therefore fall within the purview of Entry 1 of List II of the Seventh Schedule as they are meant to avoid disturbances to the public order by prohibiting conversion from one religion to another in a manner reprehensible to the conscience of the community. The two Acts do not provide for the regulation of religion and we do not find any justification for the argument that they fall under Entry 97 of List I of the Seventh Schedule."

As the Supreme Court has held what Article 25(1) grants is not the right to convert another person to one's own religion but to transmit or spread one's religion by an exposition of its tenets. If a person purposely undertakes the conversion of another person to his religion, as distinguished from his efforts to transmit or spread the tenets of his religion that would impinge on the freedom of conscience guaranteed to the citizens of the country alike. Freedom of Religion Act was meant to avoid disturbances to public order by prohibiting conversion from one religion to another in a manner reprehensible to the conscience of the community. Article 25 recognises and confers right of a person to

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freedom of conscience and freedom to profess, practice and propagate his religion and that right is not absolute. It is subject to public order, morality and health and to the other provisions of Part III of the Constitution.

Considering the law as explained by the Supreme Court, it is difficult to comprehend the right to conversion on the basis of illness of a person that he will get cured if he converts himself to a particular religion. In that case, it is certainly be a practice reprehensible to the conscience of the community. People of different faiths certainly visit as pilgrims various places of worship for seeking bliss. It is a matter of common knowledge that more Hindus visit the Dargah at Nagore and the Church at Vallakani in South India and pray there.

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MACPHERSON REPORT

A letter from one Mr. Amit Roy from London was published in Sunday Midday on 7 March, 1999. This letter I reproduce hereunder: -

"Colour of justice

Justice D.P Wadhwa and Sir William Macpherson really should meet. The former is the Supreme Court Judge appointed to head the Commission of enquiry into the killing of Australian-born missionary Graham Staines and his sons, Phillip, 10 and Timothy, seven.

In London, Macpherson, a retired High Court Judge, recently submitted a 300-page report into the murder of Stephen Lawrence, an 18 year old black youth knifed to death by a white gang in London six years ago. Although five young men have been publicly identified as being the alleged killers, they have escaped justice because the police bungled the investigation.

The report accuses the Metropolitan Police and other police force in Britain of "institutional racism" Speaking of his "sense of shame" that a black family was unable to get justice because of the colour of their skin, the British Home Secretary Jack Straw wanted the report to "act as a watershed in our attitudes to racism" The government has undertaken to implement many of its 70 recommendations. One of the more far-reaching is to bring the police and other public bodies within the jurisdiction of the Race Relations Act under which discrimination is an offence.

Change the names and circumstances and the Macpherson report could act as a blue-print for the enquiry into the killings that have left a stain on the reputation of India.

Justice Wadhwa should consider whether the time has come for India to have a Religious Relations Act,

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similar to Britain's Race Relations Act, which makes religious incitement a criminal offence."

When I read this letter I requested Mr Gopal Subramanium, Senior Advocate, to get a copy of Sir William Macpherson Inquiry Report. He was able to get a copy of the Report. It is a well documented Report.

The Government of United Kingdom decided to establish an inquiry under Section 49 of the Police Act, 1996. On July 1997 the Home Secretary announced in Parliament that the terms of reference of this Inquiry would be:

> *"To inquire into the matters arising from the death of Stephen Lawrence on 22 April 1993 to date, in order particularly to identify the lessons to be learned for the investigation and prosecution of racially motivated crimes."*

Sir William Macpherson of Cluny, formerly a High Court Judge, was appointed to conduct the inquiry, being supported as Advisers by Mr Tom Cook, formerly Deputy Chief Constable, West Yorkshire Police; Dr. Richard Stone, Chairman, Jewish Council for Racial Equality; and the Rt. Revd Dr. John Sentamu, the Bishop for Stepney.

Sir William Macpherson submitted a report on February 15, 1999.

Stephen Lawrence, a black youth, was stabbed to death by group of five or six white youths on 22 April, 1993. The murder "was simply and solely and unequivocally motivated by racism" Even after prolonged

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police investigations there could not be found any witness who could properly identify any of the attackers. Other evidence was also lacking. Two suspects were discharged at the committal stage of the prosecution in 1995. Three of the prime suspects were sent up for trial in 1996 in a private prosecution which failed because of the absence of any firm or sustainable evidence. The trial resulted in the acquittal of all the three accused.

The report is in two parts. The first part deals with the flaws in the investigation. The report said:

> "46.1 The conclusions to be drawn from all the evidence in connection with the investigation of Stephen Lawrence's racist murder are clear. There is no doubt but that there were fundamental errors. The investigation was marred by a combination of professional incompetence, institutional racism and a failure of leadership by senior officers. A flawed MPS (Metropolitan Police Service) review failed to expose these inadequacies. The second investigation could not salvage the faults of the first investigation."

Part two of the Inquiry Report was aimed at the second part of the terms of reference. It was to make recommendations as to the "investigation and prosecution of racially motivated crimes" Report on Part two of the inquiry is quite brief. It is in Chapter Forty-five and is of 26 short paragraphs. The report did not go into the question of race relations generally but did reflect on racist incidents. The reports records the words of David Muir, representing senior Black Church Leaders as "the

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experience of black people over the last 30 years has been that we have been over policed and to a large extent under protected" (para 45.7). The Committee noticed the lack of trust, which existed between the police and the minority ethnic communities. Paras 45.24, 25.25 and 45.26 take overall view of the matter. These are:

"45.24 The message is uncompromising. A new atmosphere of mutual confidence and trust must be created. The onus to begin the process which will create that new atmosphere lies firmly and clearly with the police. The Police Services must examine every aspect of their policies and practices to assess whether the outcome of their actions creates or sustains patterns of discrimination. The provision of policing services to a diverse public must be appropriate and professional in every case. Every individual must be treated with respect. "Colour-blind" policing must be outlawed. The police must deliver a service which recognises the different experiences, perceptions and needs of a diverse society.

45.25 We must at the same time warn some of those who are most vociferous in their condemnation of police officers that they should guard against their own racism. Not only during our Inquiry but in general there is readiness without justification to assume and to say that because police officers are white they must be acting to the disadvantage of minority ethnic communities. Racist prejudice and stereotyping can work and be evident both ways. In the search for justice, and in the quest for better relationship between the Police Service and minority ethnic communities this must be firmly borne in mind. Racism either way must be treated with zero tolerance.

45.26 Furthermore blanket condemnation of the Police Services is both unfair and unproductive. Every day police officers all over this country show

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> courage and dedication in what are often dangerous and challenging circumstances. We saw and heard senior and junior police officers at all our meetings who plainly wish to correct the imbalance which is apparent. Chief Officers who appeared before us acknowledge that action is necessary. Too many of those who decry the Police Service allow themselves to go beyond fair criticism. We simply say that there must be full co-operation on all sides to combat racism. Surely there must be optimism and hope that this will be achieved."

After examining various aspects of the matter recommendations were made. To me it appears these recommendations are not relevant to my terms of inquiry. Sir William Macpherson Inquiry deals more with the police and its prejudice against ethnic community in the United Kingdom. Recommendations are mostly for better performance by the police in a racist incident which the Report define as "A racist incident is any incident which is perceived to be racist by the victim or any other person" Stress has been laid on the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing. The Report recommends "openness, accountability and the restoration of confidence" and suggests means to achieve this end. Other recommendations deal with report and recording of racist incidents and crimes; poiice practice and the investigation of racist crime; family liaison; victims and witnesses; prosecution of racist crimes; training for the police officers at to the first aid; and racism awareness and valuing cultural

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diversity, recruitment, profession and retention of minority ethnic staff in Police Service etc.

One of the recommendations towards prevention and the role of education is quite relevant for my purpose. It is recommendation No. 67 and is as under:

> "That consideration be given to amendment of the National Curriculum aimed at valuing cultural diversity and preventing racism, in order better to reflect the needs of a diverse society."

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COMMENT

The gruesome murder of Graham Stewart Staines, an Australian missionary, and of his two little children is a blot on the fair name of India known for religious tolerance. That an individual rabid fundamentalist playing on the sentiments of poor tribals in the name of religion could commit such a dastardly act is a matter of grave concern for us one and all

It would appear that murder of Staines and his two children was not merely a crime of murder with a usual criminal motive such as robbery and theft etc. The motivation for the crime lay in certain conceptions entertained by a person belonging to another faith. Dara Singh felt that Staines was instrumental in converting poor adivasis into Christianity.

This Commission has been throughout conducting its proceedings in a open and transparent manner in the full glare of publicity. While recognising the importance of the due process of law which entitles the alleged perpetrators of the crime for a fair trial, the Commission cannot but come to the conclusion that misplaced fundamentalism was the motive that led to the crime. Perhaps in unravelling this motive, it is necessary that truth and reconciliation must prevail. Fundamentalism in any religion can contain serious misconceptions about other religious faiths.

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Suppressing and preventing a free exercise of religious rights cannot be the best way to overcome law and order problems and social upheavals. That exercise of these rights may lead to social tensions cannot be given a free recognition in the context of constitutional guarantees.

The death of Staines and his two children embodies a painful memory It has caused hurt and wounded the feelings of not only the Christian Community but of the entire country in no small measure. It cannot be termed as an isolated incident. It is, therefore, necessary to cleanse and heal the wound that misconception and distortions propounded by a fundamentalist mindset is cleared and further steps are initiated to create a climate of communicative relationships between the members of different faiths to understand each other more completely and rationally There is a duty to understand and the need to send out proper messages of self worth to all citizens and in particular the message that all human beings are the same irrespective of their faith and there must be equal love and concern for the rights of each other. In this process those who are in larger numbers have a duty towards those who belong to other faiths and constitute smaller numbers Any assertion of power and aggression can only damage and cause hurt to the polity. The murder of Graham Stewart Staines clearly has the effect of subverting the secular foundations of the Indian polity.

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Secularism is now well settled to be a part of the basic structure of the constitution. When it is so, it must likewise inform the outlook and social behavior of the citizens [see S R Bommai vs. Union of India (AIR 1994 SC 1919)]. Any party or organisation which does not conform to a secular outlook and recognize the essential humanity of a multilingual, multi-ethnic multi-cultural and multi-religious pluralist society needs to introspect and review its fundamental moral position.

Spreading misconception that Christians serve to "convert" perhaps needs to be corrected and rectified It is necessary to see the truth of the Christian faith as a way of life and the teaching of the Gospel and the teachings of Christ as an integral part of their tenets. This is a fundamental right of the Christian minority community which is not only zealously protected by the constitution but further requires constant transliteration in terms of state being sensitive to the exercise of such rights. The exercise of these rights must be fully guaranteed and be protected. Any attempt to whip up even sub-consciously, divisions based upon religion and religious faith and resultant intolerance and hatred and suspicion can only culminate in such tragedy as befell Staines and his sons.

India has greatly benefited from the role of the missionaries. No one can deny the magnificent role played by them in the cause of

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education and health They have gone to far-flung and inaccessible areas of the country to spread the message of Christ

The spreading of the Gospel and the preaching of Christian ideals is a democratic and constitutionally guaranteed right. The mere fact that the vocabulary for evangelization may need internal reflection to bring it within the perfect parameters of tolerance and mutual respect does not detract it from being a part of the Christian faith and must be recognized as such. Evangelization is a Christian concept which is grossly misunderstood as an euphemism for conversion. The word refers to the speaking of the Gospel The listener is free to accept or reject it. It may, however, be added that forcible conversion or exploitation of persons in indigent circumstances cannot be recognized. It could not be the tenet of Christian religion or for that matter any other religion to convert a person particularly a poor illiterate on the belief that that would cure his illness and restore his health. It is more appropriate if conversion is well informed.

Church leaders are on record saying that the Church does not believe in "conversions under force or duress" They said, "the Church in India has always maintained that there can never be conversion under force or duress. Forcible conversion is a contradiction in terms. It is neither accepted or recognized by the Church They have asked the community to affirm its "resolve to continue its mission of emancipating

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man, weathering any adversities" They also called upon the Christians to introspect whether they had faltered in their work and approach Forced conversions were against Christianity and righteousness, and Christianity believed that it was the mind that should change and not religion Religious conversion without a change of heart was meaningless.

Any kind of aggressive itinerary attempting to divide society on religious lines and breeding hatred, violence and suspicion ought not to be encouraged. Such actions are plainly contrary to Indian civilization and culture

Indian society is a composite society whose consciousness as a whole needs to be preserved. It requires to be stated that any religion or its teachings are not the monopoly or exclusive preserve of its proponents Such teachings of all faiths are the free and natural treasures of all citizens and all citizens must have a free choice to have access, utilize, adopt, incorporate, change, and feel whatever they feel like in relation to it. This is, even though an oversimplification, necessary because the citizen is entitled to hold any belief including the belief that God does not exist and that religion is evil. It is necessary to say that freedom of belief is so fundamental that nothing can curtail it. The attempt of Dara Singh in murdering Staines was plainly to prevent missionary activity amongst the tribals so that they would not embrace the Christian faith Such violent acts are aimed at mutilating the Constitutional structure and it is necessary

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that the collective energies of the people of India must protect itself against misguided and ill-informed religious zealots who have been spreading a communal view of religion.

Any attempt to serve the poor (which is a part of the Christian faith) should not be easily assumed or misunderstood as a pathway to conversion. Enlightenment, empowerment and hygiene for the poor are valuable concerns which must inspire all citizens It would be right to say that the Hindu religion has embraced foreigners in huge numbers both in the vedantic and vaishnavite traditions and continues to do so Many Saints and Gurus of the Hindu tradition have had a huge following of foreigners and continue to exercise a great measure of spiritual and religious influence upon them.

Since there is no evidence of forcible conversion any assumption to the contrary would be invalid. The tribals who embrace Christianity are entitled that their faith is protected and freedom of worship is freely permitted. Evidence has, however, come on record that there have been conversions on the belief that illness would be cured and not that the person seeking conversion understood the tenets of the Christian religion.

The universality and equality of all human beings cannot be over emphasized. It is also necessary that society addresses itself to real and pragmatic concerns such as poverty, illiteracy and health care of the poor and particularly the tribals. In the present case restorative justice must be

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attempted. Restorative justice is not concerned as much with punishment or fault finding only but seeks to correct imbalances of perception. restoring broken relationships with healing. harmony and reconciliation

In the concluding paragraph of his opening address Archbishop Desmund Tutu while commending the report of the Truth and Reconciliation Commission said

> "Ours is a remarkable country Let us celebrate our diversity and our differences. God wants us as we are. South Africa wants and needs the Afrikaner, the English, and the Coloured, the Indian, the Black. We are sisters and Brothers in one family – God's family, the human family Having looked the beast of the past in the eye, having asked and received forgiveness and having made amends, let us shut the door on the past-not in order to forget it, but in order not allow it to imprison us. Let us move into the glorious future of a new kind of society where people count not because of biological irrelevancies or other extraneous attributes but because they are persons who are of infinite worth created in the image of God. Let that society be a new society – more compassionate, more caring, more gentle, more given to sharing – because we have left "the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice" and are moving to a future "founded on the recognition of human rights democracy, and peaceful co-existence and development opportunities for all south Africans irrespective of colour race. class. belief. or sex"

There does seem a need for therapeutic intervention at a societal level by which positive messages of self – worth, a rational and reasonable approach to the question of relationship with fellow human beings must be evolveo. This in turn must find its way into the curriculum

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of school education and organised structure of education. Children do need to be brought face to face with different facets of different faiths so that they feel that all is a part of their treasure and can correlate effectively with members of another faith Stories from various religious texts can be told to small children

There is a need to identify an agency which can take up this task of creating an atmosphere of religious tolerance and communal harmony

National Foundation for Communal Harmony (NFCH) is a society registered on 19th February, 1992 under the Societies Registration Act, 1861 NFCH was constituted by an Executive Order Union Minister for Home Affairs is the Chairman of NFCH and its Governing Council. The objects of NFCH are

i) Undertake programmes or projects for providing assistance to the children of families affected by communal, caste, ethnic and any other form of violence/clashes which fractured social harmony as may be decided by the Governing Council from time to time, in particular for their education and/or vocational training.

ii) Undertake programmes or projects for assisting in the physical and psychological rehabilitation of the children, families or other victims of communal, caste, ethnic and any other form of violence/clashes which fractured social harmony as may be decided by the

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Governing Council from time to time, and in their assimilation into the mainstream of society;

iii) Institute awards or rewards for outstanding contributions to the cause of caste, ethnic and communal harmony and national integration,

iv) Promote or undertake activities which will highlight and strengthen the bonds of unity and affinity between religious and other groups in the country;

v) Undertake and encourage activities which will promote belief in the principles of non-violence in resolving disputes between different religious and other groups in society

vi) Institute awards or rewards for outstanding contributions to the cause of communal harmony and national integration;

vii) Cooperate with, and secure the cooperation of, the Central Government, State Government, Union Territory Administrations, industrial and commercial organisations, and non-governmental, voluntary and other organisations and bodies in promoting the objects of the Foundation;

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viii) Provide information services, set up libraries, bring out journals, objects or other forms of literature to promote the objects of the Foundation;

ix) Do all such other lawful acts and things as may be necessary or conducive for furthering the objects of the Foundation.

Presently the main task of NFCH is to provide financial assistance to children, who have lost either or both parents in the communal, caste, ethnic or terrorist violence. NFCH also organizes programmes in cooperation with State Governments towards promotion of communal harmony and fraternity The Commission requested the Secretary of NFCH to send a report about its activities NFCH has no statutory powers In the field of communal harmony there has not been quite an impact. The objects of NFCH are laudable. But for proper enforcement these are to be backed by statutory powers. Commission is informed that NFCH is focusing its promotional activities in two areas: (1) school/and college children and (2) communally sensitive streets in different areas. In the sixth meeting of the Governing Council of NFCH held on 4th September 1998 a suggestion was mooted for the inclusion of the study of comparative religion in the colloquium for the CBSE/university level. Secretary to NFCH writes:

> "Though the Foundation has been striving its best for promotion of communal harmony and fraternity in different sections of the society, it is not able to

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achieve optimum results because of lack of full cooperation from other departments particularly the Ministry of HRD, Deptt. Of Education and Deptt. Of Culture, the State Govt. i.e Home Deptt. District Magistrates who seem to view it as a supplementary task. There is also no mechanism of getting information about the developing ground situation to enable the Foundation to intervene and build up a resistance and peoples movement against any possible flare up Such positive intervention by NFCH would be possible only when District Committees are enjoined upon to supply information of developing situation on their own or on the request without delay The Chairman of the District Committee should be made accountable not only for maintaining communal harmony but also keeping the Foundation along with other Govt. agencies informed of the developing situation. However, the present strength of 6 persons may not be adequate for this purpose."

To shoulder such responsibilities it is imperative that the Foundation is adequately strengthened.

Secularism is not simply an ideological mainstay of multi religious India but, is in fact, the cornerstone of social life recognized by the Constitution.

The Commission on its visit to Manoharpur found that there is stark poverty existing on account of lack of developmental activities in the tribal areas, the paucity and inadequacy of educational and health facilities to the tribals, wide spread unemployment and vast depletion of forest cover resulting in scarcity of resources. The Constitution and other laws provide adequate institutions and instrumentality for effective redressal of the grievances and upliftment of the tribals. It is the implementation of those provisions that matters. Under Article 338 of the Constitution of India.

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National Commission for Scheduled Castes and Scheduled Tribes has been constituted and one of its duties is to participate and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to evaluate the progress of their development under the Union and any State. It is for this Commission to seriously address itself to the advancement of the tribals in the country While preserving and protecting their natural habitat and allowing to practice their faith and culture, constitutional mandate of reaching the educational, health, sanitary and drinking water facilities to them to be enforced. It is the rigorous implementation of the constitutional provisions and the laws that is required A commission is not constituted merely to collect statistics.

The Constitutional provisions include Articles 14, 19 (Part III), 38, 40, 41, 42, 45, 46, 47 48, and 48-A falling under Part IV (Directive Principles of State Policy), Clauses (e), (f), (g), (h) of Article 51(1)(a) under Part IVA (Fundamental Duties), Part IX (The Panchayats), Part X (The Scheduled and Tribal Areas), Article 253 (Legislation for giving effect to international agreements), Part XVI (Special provisions relating to certain classes), Chapter IV (Special Directives in Part VII – Official Language) and Fifth Schedule (Provision as to the Administration and Control of Scheduled Areas and Scheduled Tribes).

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Article 338 falls under Part XVI. Under Article 339 falling under the same Part the President may at any time and shall at the expiration of ten years from the commencement of the Constitution by order appoint a Commission to report on the administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the States. Under Article 342 the President is to specify the Tribes which shall for the purpose of the Constitution be deemed to be Scheduled Tribes in relation to that particular State or the Union Territory

Supreme Court in its judgments has taken note of a number of protections and safeguards available to the tribals. Supreme Court also held that being a signatory to the Convention on Right to Development it is the duty of State to formulate policies and programmes for development of the poor tribals and dalits.

In addition to the aforesaid constitutional provisions safeguarding the rights of the tribals certain institutions have been set up under statutes of Parliament and/or executive direction of the Central Government and these being (1) National Human Rights Commission under the Protection of Human Rights Act, 1993 (2) National Commission for Minorities, under the National Commission of Minorities Act, 1992 (3) National Integration Council headed by the Prime Minister of India and having representatives of all major sections and religious groups dealing with the issues regarding communal harmony and devising the methods of achieving the same

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through dialogue and deliberations and (4) National Foundation for Communal Harmony, a society with Union Home Minister as Ex-officio Chairman, for communal harmony as the name implies. Then,,there are various international conventions to which India is a signatory.

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CONCLUSIONS / RECOMMENDATIONS

Conclusions

(a) Graham Stewart Staines, an Australian missionary, devoted most part of his life in India to the cause of eradication of leprosy and rehabilitation of leprosy patients. As a missionary, he was also involved in spreading the Gospel and was behind the church movement in the two districts of Mayurbhanj and Keonjhar He himself was not involved in conversions. A missionary preaches, it is the individual who converts. There have been conversions among the tribals. Tribals who got converted distanced themselves from tribal customs. There have been instances of conflicts between Christian and non-Christian tribals evidencing growing tensions between them. Opposition was also developing against conversions in the area. Staines himself had suspicion about the growing tensions. But he did not expect that a stage had come where there is threat to his life or a riotous situation is developing. The administration was quite unconcerned and oblivion to the growing tension. Manoharpur was a peaceful village inhabited by Santhal tribe. Now, it is a divided house. In the election of the headman of the village, Christians had their own candidate and all of them voted for him. Non-Christians voted for their non-Christian candidate. It is a strange scenario. When a non-Christian converts himself, he does not become a different human being. Why then does any religious group thinks it that way? Religion is

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one's faith. It is not to become a big divide. People, it appears, have more religion in them than they are religious. Here what we need is, understanding of religion Prime need of the hour is the consensus, harmony and reconciliation. Staines was a popular figure by all accounts in Baripada. He earned fame for his selfless service for the cause of leprosy Gladys, his wife, talks of his attainments. Unfortunately, some of the tribals perceived Staines to be the person behind spread of Christianity by converting innocent and unsuspecting tribals and the one making inroads into their culture and customs

Dara Singh was growing in stature. He is a fanatic. He committed crimes against Muslim traders. There was no check on him. There were criminal cases pending against him and yet he was not declared as absconder. These Muslim traders were trading in cattle. Dara Singh played on the sentiments of Mahanta community in the area who worship cows. Action of Dara Singh in stopping the transporting of cattle from Muslim traders and also by a Hindu trader and then distributing the cattle earned him popularity. Tribal youth looked at him with awe as if they found a Messiah in Dara Singh. They drew his attention to the conversions in Manoharpur by the Christian missionaries. Now, attention of Dara Singh was diverted towards Christian missionaries. These youth are not members of any organisation. Dara Singh understood the psyche of the tribals. He played on their emotions and provoked their ire saying that Christian missionaries were destroying Hindu religion. He prepared

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them and then led the attack on the Christian missionaries. Staines was killed by these fanatics and with him his two children also perished

(b) The act of murdering Staines and his two children was inspired by Dara Singh and his clout and no authority, organisation or any other person played any role in or in connection with the killings. There is no evidence that any authority or organisation was behind the gruesome killings.

Recommendations:

1. It is imperative that development of tribal areas is accelerated.

2. To avoid any distrust among the different communities and to bring in communal harmony, it is necessary that at the school level itself, children are taught components of all religious faiths making available to them treasure of all faiths.

3. It is necessary to evolve a common framework for the future and for that National Foundation of Communal Harmony be made a statutory body on the lines of National Human Rights Commission.

4. Law and order machinery in the State is to be strengthened. Frequent, illogical and irrational transfers of officers, specially of District Magitrate and Superintendent of Police, are to be avoided. Proposal for transfer of Superintendent of Police should emanate from Director General of Police in the State IPS and IAS officers who are on the cadre of

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Assam, Bihar, Madhya Pradesh and Orissa, while in their respective academies, should be taught about the tribals, their culture, their customs and their habits. These officers are being given lessons in the language of the particular State to which they are assigned.

5. FIR registered in the case does not represent true state of affairs. It is certainly a doctored document. Then there is the arrest of 51 persons initially in connection with this case which was apparently without any reasonable basis. Their detention for over two months in custody appears, prima facie, to be unjustified. There should be an independent inquiry to find out the circumstances leading to the recording of the FIR, arrest of innocent persons and how they are to be recompensed for their illegal arrest and detention. Responsibility for this be fixed on the guilty be it the State Government and/or its officials and necessary action taken.

6. Intelligence gathering machinery also needs strengthening especially the community intelligence.

7 There should be proper understanding of the provisions of the Orissa Freedom of Religion Act, 1967 and the Rules made thereunder

8. Visits of VIPs need drastic curtailing as their visits hamper investigation and there is every chance of important evidence being lost by delay in investigation.

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9 There should be a Code of Conduct for the political parties when their leaders make statements without verification in a situation like the present one. Leaders cannot make statements merely for gaining political mileage. Their statements should be subdued and not to fan the fire when the atmosphere is communally surcharged. It is the duty of everyone to have regard to each other's faith and to spread a message of love, peace and kindness Murderer is a murderer to whichever faith he may belong A criminal is a criminal. Religion need not be brought in in such matters. Allow the police to make independent investigation of the crime uninfluenced by politics or religion or caste.

10. Media, both print and electronic, has also to exercise restraint. Screaming headlines should be avoided which have the effect of misleading the public and creating more tension and suspicion among different communities. News headlines in the cases of rape of nun and murder of a Christian boy and girl after rape have been noticed. One cannot imagine the damage that might have been caused to the polity by such headlines and reporting. Reporting of communal strife should not be done without proper verification or an ordinary crime given a communal twist.

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Before concluding, I must express my appreciation for the team work and dedicated services rendered by the following persons:

I owe my special thanks to Mr Gopal Subramanium, Senior Advocate, who as Senior Counsel to the Commission has so ably assisted me in conducting the proceedings. The Commission has greatly benefited by his erudition, his deep commitment and absolute devotion towards his work and the guidance which he has provided at every stage of the proceeding. He has set very high standards of professional competence for the members of the Bar to emulate. His team mates, Mr Muralidhar, Advocate, Ms. Vrinda Grover, Advocate and Mr Dayan Krishnan, Advocate have performed their respective roles with an equal sense of dedication and devotion. Mr Dayan Krishnan, in particular, deserves my special appreciation for assisting me in preparing this report. Mr Muralidhar rendered a great help in giving final touches to the report and also deserves my special appreciation.

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Mr. L.R. Gupta, Sr Advocate and Special Counsel for the Central Government enriched the proceedings by his vast experience and learning. I must acknowledge the special pains taken by him to go through the entire evidence on record and to analyse them in a very objective manner He has made pertinent suggestions vis-à-vis the terms of reference of the Commission. The Commission and Shri Gupta were ably assisted by Mr O.P Gaggar Advocate.

Mr. Jayant Das, Advocate General, Orissa and his colleagues, Mr R.K. Mahanty and Mr J. Mishra, Advocates have rendered yeomen service by taking special care in providing all necessary documents and informations required in course of Commission's proceedings. The co-operation extended by Mr. Das and his colleagues is indeed praiseworthy.

During my tenure as Chief Justice of the Patna High Court, Mr. D.G.R. Patnaik, an officer of the Bihar Superior Judicial Service had impressed me as an intelligent and energetic officer of the High Court Registry and therefore I considered him as a suitable officer to work as Secretary to the Commission. Despite the initial constraints of lack of proper office accommodation and supporting secretarial/judicial staff, he

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displayed admirable skills in office administration and in executing the judicial work of the Commission. He has discharged his responsibilities creditably and with complete dedication. The Commission has benefited greatly by his association with it.

The Central Government on its part has also been extremely co-operative and helpful in providing all the infra-structural requirements at the Vigyan Bhavan, New Delhi

Special thanks are owed to Mr Sandeep Bagchee, Joint Secretary, Ministry of Home Affairs who as Officer on Special Duty on behalf of the Central Government looked to the requirements of the Commission and showed considerable alacrity in meeting the Commission's infra-structural requirements

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(Crimes) and Mr Prakash Mishra, DIG (Crimes). Mr. I.J. Jachuk, appointed for the Commission as a Nodal Officer by the State Government, has rendered great help in procuring various documents and in ensuring prompt attendance of the witnesses

Mr. Prakash Mishra also deserves special commendation for the conduct of the investigation of the case under his able guidance The investigation had made much progress before it was taken over by the CBI. He is an officer with a deep sense of dedication to his duties and has been of great assistance to me in the conduct of the proceedings.

Mr Lok Nath Behara, SP, CBI also deserves special appreciation for the commendable work he has done in conducting the investigation of the case. He has provided valuable information from time to time which has enabled me to get a clear insight into the facts of the case.

The Investigating Team comprising of Mr Padman Singh, Inspector General of Police, Mr Ashok Patnaik, DIG, Mr. V Ranganathan, DCP, Mr N. Tshering, ACP, Mr N.S. Mattoo, ACP and Mr D.C. Mudgal, Inspector of Police have done a commendable job in completing the investigation with utmost dedication and sincerity within a short time. The report submitted by the Investigating Team has leant considerable support to me.

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Mr. Padman Singh, with his experience and adroitness, meritoriously guided the investigation of the case.

Mr. Ashok Patnaik, DIG, contributed considerably not only in the collection of vital information but has also utilised his expertise in assimilating all the data collected in course of investigation.

Mr J.P Das, Dy Registrar (Protocol), Orissa High Court deserves all appreciation. As Officer on special duty for the Commission, he has performed with great competence an important role in looking after the Commision's Office establishment at Bhubneswar and in co-ordinating with the officials of the State Government to meet the Commission's requirements.

Mr. S.N. Singh, Section Officer (Admn.) has by virtue of his vast experience in the Central Govt. Secretariat and his thorough knowledge of the govt. rules, superbly assisted Mr. Patnaik in the office management. He has proved to be an asset to the Commission.

Mr. P.K. Sharma, Assistant, deserves special appreciation for his sincere hard work in arranging and maintaining the records and handling the office work almost single handedly

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Last of all, I must record my appreciations for the media, both Press and Electronic for the commendable role they have played in closely following the proceedings and publishing correct and truthful accounts of the proceedings.

Afterword:

The Commission wishes to place on record its deep appreciation of the remarkable fortitude and wisdom displayed by Gladys Staines in the face of such terrible personal tragedy where she lost her husband and two little sons. Her grief cannot be expressed in words. Yet, she had no

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bitterness and no rancour against anyone. She is a woman of great character. By her conduct, she has put to shame, if they have any shame, not only the perpetrators of the crime but those who directly or indirectly may have sympathy with them. Anyone in her place would have asked for revenge. Gladys has shown great resilience with her resolve to stay in India with her daughter and to carry on the work of her late husband. The Commission is with her in her resolve and wishes her strength and support in her endeavour to serve the poor and spread the Gospel without any fear.

[D.P. Wadhwa]
Judge, Supreme Court of India,
Chairman,
Justice Wadhwa Commission of Inquiry

New Delhi;
June 21, 1999.

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